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U. S. Supreme Court, [illegible] Term A.D. 1862. Day of [illegible]

The Territory of Dakota } In the Supreme Court

Mem The Proclamation of the Governor of said Territory fixed the first-monday of June A.D. 1862 as the [illegible] for the Supreme Court of the Territory, and the place at Yankton

The members & Officers of said Court are as follows

Hon. Philemon Bliss — Presiding Judge

Hon. L. P. Williston }
Hon. Joseph L. Williams } — Associate Judges

William E. Gleason Esq Attorney of the United States.

The offices of Marshall & Clerk are vacant.

On the day of June A.D. 1862, being the first-monday of said Term of the Supreme Court in and for the Territory of Dakota, there appeared in the Town of Yankton in said Territory, being the time & place fixed by law for the first meeting of said Court, Hon Philemon Bliss Chief Justice of said Court and William E. Gleason Esq Attorney of the United States, and for want of a quorum the Court did not organize but adjourned without day.

Philo Bliss

U. S. Supreme Court, Term at Law A.D. 1863. Day of Term.

The Territory of Dakota } In the Supreme Court

The members & officers of Court are
Hon. Philemon Bliss Chief Justice
Hon. Alexander Williston } Associate Justices
Hon. Joseph R. Williams }
William E Gleason Esq Attorney for the United States
George A Pinney Esq U.S. Marshall

On the first day of December A.D. 1863 being the first Tuesday of said December, & the time fixed by law for the regular sitting of this Supreme Court in & for said Territory of Dakota, of the members & officers of said Court, then appeared in the Town of Sanborn, the Capital of said Territory & Place fixed by law for holding said Court. Hon. Philemon Bliss Chief Justice and Geo. A. Pinney Esq Marshall, and for want of a quorum the Court did not organize, but adjourned without day.

P. Bliss Chief Justice

U. S. Supreme Court, December A.D. 1864 Day of Term

In the Territory of Dakota } In the Supreme Court

The Members and Officers of the Supreme Court are

Hon P. Bliss Chief Justice
Hon Joseph L Williams } Associate Justices
Hon Asa Bartlett }

William E Gleason Esq U S Attorney

George M Pinney Esq U S Marshal

On the Sixth day of December A.D. 1864 Being the First Tuesday of said December A.D. 1864 the time fixed by Law for the Third Session of the Supreme Court in and for the said Territory of Dakota, Of the members and Officers of said Court there appeared in the Town of Yanktown the Capital of said Territory and place fixed by law for holding said Supreme Court at the court House in the said Yanktown Hon Asa Bartlett Associate Justice and George M Pinney Esq Marshal, and for want of quorum the court is not organized, but is adjourned by said associate Justices, without day.

Asa Bartlett Ass Justice
Dakota Territory.

U. S. Supreme Court, July Sixth A.D. 1865. 1st Day of Term.

Be it remembered that on this Sixth Day of July A.D. 1865 - being the day set by the Judges of the Supreme Court of the United States for the District of Dakota Territory, in pursuance of Act of Congress approved August 16th 1856 - there convened in the U.S. Court Room, at Yankton, the Capitol of said Territory, at the hour of 11 o-clock A.M. for the purpose of organizing the said Supreme Court, the following officers of the Court, towit; -

Hon. Ara Bartlett ------ Chief Justice.
Hon W.E. Sleeper ------ Associate Justice.
Hon J.P. Kidder ------ Associate Justice.
L.H. Litchfield ------ U.S. Marshal.
G.P. Waldron, Esq. ------ Acting U.S Attorney.

The Supreme Bench being full the U.S. Marshal now proclaims "The Supreme Court of Dakota Territory open in pursuance of law."

And now upon the recommendation of Judge Sleeper and the concurrence of Judge Kidder, Chief Justice Bartlett appoints Mr. Armstrong to be Clerk of this Supreme Court; who, being first duly sworn and having deposited the required Bonds, forthwith entered upon the discharge of his duties

The Court now instructs the U.S. Marshal to make a requisition upon the Secretary of the Interior for authority to purchase a suitable Seal, Docket and Calendar - Seal to be made in accordance with a device prepared by Judge Sleeper.

And now the Court passes the following order, towit; -
"The Supreme Court of the Territory of Dakota, by virtue of authority in this Court "vested by Act of Congress approved August 16th 1856, do hereby fix and appoint "(until this Court shall otherwise provide)"; that two terms of the U.S. District "Court shall be held annually at the following places and at the periods "herein specified, towit; - At Yankton on the third Tuesdays of April "and October; at Vermillion on the first Tuesdays of April and November; "and on the first Tuesdays of June and October at Bon Homme or Ft. Randall, "in view of the sparseness of the population of the district, as in the discretion of the Judge "may best subserve the public interests and be the more convenient to jurors "and others in attendance on said Court."

And now comes, Mr. Waldron, Esq., Acting as U.S. Attorney, and announces to the Court the death of the late President Abraham Lincoln, and moves as a mark of respect to his memory, that this Court do now adjourn.

Associate Justice Nelson acknowledged the announcement as follows:—
"Before the adjournment, I deem it my duty, as a member of this Court, to say,
"that as this is the first session of this Court since the death of the late President,
"I deem it highly proper that more, relative thereto, at this time, should transpire, than the mere announcement of the fact.

"The present generation will never recover from the shock which has befallen
"it at his sudden death by the hand of an assassin.

"The event was startling and deplorable in the extreme, and was fraught with
"such momentous consequences, that it may well call forth from us expressions
"in accordance with the profound regret which is felt and expressed by all
"classes of our fellow citizens.

"His patriotism, wise statesmanship, honesty of purpose, high personal char-
"acter, and his devotion to the best interests of this country, are acknowledged,
"with but few exceptions, with alacrity by the masses of the people.

"Having been elevated a second time to the Presidential chair, by such a
"majority as would seem to satiate the ambition of any person, knowing the splendid
"military successes that followed our arms so soon after his re-inauguration,
"having beheld the capture of Richmond and the surrender of Lee, the consequent
"crushing out of the wicked rebellion, the returning of the seceding States to their
"duty as loyal members of our glorious Republic, and the recognition of the good
"old flag of our Fathers, must have quickened the pulsations of his great heart,
"which had ever glowed with the fervent and exalted patriotism, and his fond-
"est hopes and desires, and his most sanguine expectations, must have been
"realized, which somewhat alleviates our great distress and the overwhelming
"national calamity that astonished and horified the world.

"The name of Lincoln is written on the brightest page of American
"history, and will be handed down to posterity with that of Washington—
"the most honored and revered of American Statesman.— The halo of
"universal freedom will be hovering over, and the tendrils of the affectionate
"hearts of a grateful people will ever be entwining around his memory.
"His name will be the first for unborn millions to lisp, and future
"generations will 'rise up and call him blessed.'"

Chief Justice Bartlett remarked as follows:—
"I feel incompetent to add anything to what has been so well said on this
"occasion.

"We can never forget the day when the news came that Abraham
"Lincoln was dying— that he had been stricken down by the hand of
"an assassin. The Nation staggered and was dumb with grief; men every-
"where, met as mourners, while a terrible weight of sorrow pressed heavily
"upon all.

(Continuation of Judge Bartlett's Response)

"Perhaps the power of that first, in a measure, has passed away; but it leaves
"us to realize more fully how great and good Lincoln, and how cruel the blow
"that struck him down. He went about his work, as the leader of this
"people, with an honest will, doing all he could for its liberty and right.
"He was humble, yet always strong and hopeful for his country, in her
"good or ill fortune. He was never better; never boastful; never cruel-
"and so he died; just, merciful, and forgiving to all men.

"And we remember, also, how upon the bloody field of Gettysburg, this man,
"this Chief Magistrate of this great American Republic, with its tenderness and
"simplicity of a child, gave his heart to God, looking to Him for wisdom and
"support in the great conflict for the preservation of our Government.

"Let us imitate him in all this - in all his goodness and love of country;
"so that He who is the Great Master of us all, will bless us and keep us as a
"people.

Associate Justice Gleeson responded as follows:-

"I desire to add my concurrence to the words of commendation pronounced
"by my brother associates upon the private and public character of our departed
"President, and to say that I share in the regret that is felt by this Court over
"the National Calamity so generally recognized in his death, and which has
"evoked the keenest sorrow, not from Americans only, but from every Christian
"heart wherever the news of Mr. Lincoln's untimely fall has reached.

"Abraham Lincoln, the upright and sagacious statesman and patriot is
"no more; but his services survive. He is one of the very few to whom Provi-
"dence has accorded an imperishable immortality, and of those champions of popular
"rights who have, by opportunity and fidelity to the trust, been permitted to link his
"name, as an illustrious example, with the leading men of time. He will ever be
"indissolubly connected with the struggle and the triumph but just won - incom-
"parably greater than any that has been yet fought, and has succeeded, to es-
"tablish the capacity of the people to enjoy, protect and perpetuate their liberties
"It remains to us in common to recognize his great worth, and to pay
"his memory that honor which is due to this distinguished martyr
"to human right and the unity of our three-score Republic.

"We can offer none other than the humble memorial about to be
"placed on the record of this Court, as its sense on the National loss, and in
"this intended mark of respect; I cordially unite."

At the conclusion of Judge Gleeson's remarks, the Court adjourned until to-morrow at the hour of 9 o'clock A.M.

Wm Bartlett Chf Justice
Wm E. Gleeson Associate
J. P. Reader, Asst Clk.

U. S. Supreme Court, July 7th (Seventh) A.D. 1865. 2d Day of Term.

This day Court met pursuant to adjournment, at the hour of 9 o'clock a.m.

Present:-

Hon. Asa Bartlett	Chief Justice.
Hon. W.E. Gleeson	Associate Justice.
Hon J.P. Kidder	Associate Justice.
L.F. Litchfield	U.S. Marshal.
G.P. Waldron	Acting U.S. Attorney.
M.K. Armstrong	Clerk of the Court.

The Court now appoints John Lawrence, Crier.

And now the Court adopts the following rules:-

(1st) "No less than sixteen (16) nor more than twenty four (24) men shall be "drawn for a Petit Jury; except in capital offences, in which case thirty six "(36) jurors shall be summoned for the panel."

(2d) "In all civil ~~case~~ cases for trial in the District Courts of this Territory, the "summons shall be served at least twenty days before the first day of the "next ensuing Term"

(3d) "In all felonies and misdemeanors, and in all cases of a lesser grade "than capital offences, ten (10) peremptory challenges shall be allowed "to the defendant, and two (2) to the Government."
"In capital cases twenty (20) peremptory challenges shall be allowed to "the defendant, and five to the Government."

And now, at the hour of 12 o'clock Meridian, the Court adjourns until 9 o'clock A.M. on Tuesday the 25th inst.

Asa Bartlett Chief Justice
W. L. Gleeson Associate Justice
J. P. Kidder, Associate

U. S. Supreme Court, July 25th A.D. 1865. 3d Day of Term.

This day Court met pursuant to adjournment, at the hour of 9 o.clock A.M.

Present:-

Hon. Ara Bartlett	Chief Justice.
Hon. W. E Skeeson	Associate Justice.
Hon. J. P. Ridder	Associate Justice.
L. H Litchfield	U.S. Marshal.
M.L. Armstrong	Clerk of this Court.
John Lawrence	Crier . . . .

And now this Court instructs the Clerk to transmit to each of the Clerks of the District Courts of the Territory, a copy of the Rules adopted by this Supreme Court on the Seventh (7th) July inst.

And again, at the hour of 12 o.clock Meridian, the Court adjourns without day.

Ara Bartlett Chf Justice
W. E Skeeson Assc Justice
J. P. Ridder, Associate

U. S. Supreme Court, December 5th A.D. 1865. 1st Day of Term.

Be it remembered that on this Fifth day of December A.D. 1865; being the First Tuesday of December, and the day fixed by law for the convening of the Supreme Court of Dakota Territory, there met at the Court Room at Yankton the Capital of Dakota, the following named Officers of said Court, to wit;-

His Honor Ira Bartlett ..... Chief Justice
" W.E. Gleason ..... Associate Justice
" J.P. Kidder ..... Assoc't "
L.F. Litchfield ..... U.S. Marshal
John Lawrence ..... Bailiff.
T.J. Gleason "
W.K. Armstrong Clerk

The Court makes the following order fixing the times of holding the U.S. District Courts in the Territory, to wit; —

In the Third (3d) District, on the 2d Monday in May and the Second Monday in September of each year, at the Town of Bon Homme

In the Second (2) District, on the First Monday in June and the first Monday in Octobers of each year, at the Town of Yankton.

In the First District, on the Fourth Monday of June and the fourth Monday in Octobers, of each year,

And now, at the hour of 12. o'clock M. Court adjourns until to-morrow at ten o'clock A.M.

Ira Bartlett
Wm E. Gleason

U. S. Supreme Court, Decembers 6th A.D. 1865. 2a Day of Term.

Court met this day (Wednesday) at the hour of 11 oclock A.M. pursuant to adjournment,

Present:

His Honor, Ara Bartlett . . . . Chief Justice
" W.E. Gleeson . . Associate
" J.P. Kidder . . . "
L.F. Litchfield . . U.S. Marshal
John Lawrence . . Bailiff
T.J. Gleeson . . "
W.R. Armstrong . . . . Clerk.

Now comes J. B. S Todd and makes application to be admitted as an attorney at the bar of the Supreme Courts of Dakota Territory, who being sworn, was duly admitted as Counsellor before the said Supreme Court.

And now, at 12 oclock M. Court adjourns until tomorrow at the hour of 10 oclock A.M.

Ara Bartlett
Wm. E. Gleeson
"

U. S. Supreme Court, December 7th A.D. 1865. 3d Day of Term.

Court met this day (Thursday) at the hour of 10 o'clock A.M. pursuant to adjournment.

Present

His Honor, Chief Justice Parkett
" Associate Justice Gleeson
" Associate Justice Kidder
L. H. Litchfield U.S. Marshal
John Lawrence, Bailiff
F. J. Gleeson "
W.H. Armstrong ... Clerk.

This ~~day~~ being the day set apart by the President of the United States as a day of general Thanksgiving and Prayer, the Court, in accordance therewith adjourned until to morrow at the hour of 10 o'clock A.M.

Chas. Parkett

Wm. F. Gleeson

U. S. Supreme Court, December 8th A.D. 1865. 1st Day of Term

Court met this day (Friday) pursuant to adjournment, at the hour of 10 o-clock A.M.

Present =

His Honor Asa Bartlett . . . Chief Justice
" W.E. Gleason . . . Associate Justice
J.P. Kidder . . . "
L.H. Litchfield . . . U.S. Marshal
John Lawrence . . . Bailiff
T.J. Gleeson "
W.G. Armstrong Clerk

Now comes W.W. Brookings, Geo. Sticking, J.M. Turner & T.J. Gleeson, and each being duly sworn, was admitted as attorneys at the bar of the Supreme Court of Dakota Territory

And now, at the hour of 12 o-clock M. Court adjourns until 10-o-clock A.M.

Asa Bartlett
Wm L. Gleason

U. S. Supreme Court, December 9th A.D. 1865. 5th Day of Term.

Court met this day, (Saturday) pursuant to adjournment at the hour of 10 o'clock A. M.

Present

His Honor	Asa Bartlett	Chief Justice
"	W. E. Gleason	Associate "
"	J. P. Kidder	"
	L. F. Litchfield	U. S Marshal
	John Lawrence	Bailiff
	E. J. Gleason	
	Wm. R. Armstrong	Clerk

Now comes L. B. Bigelow and makes application to be admitted to the bar of the Supreme Courts of Dakota, who being duly sworn, was regularly admitted as counselor at the bar of the Courts of the Territory of Dakota.

And now at the hour of 2 o-clock P.M. Court adjourns until Monday at the hour of 10-o'clock A.M.

Asa Bartlett
Jno. L. Gleason

U. S. Supreme Court, December 10th A.D. 1865. 6th Day of Term.

This Day (Monday) Court met pursuant to adjournment at the hour of ten o'clock A.M.

Present:

His Honor -- W. E. Gleason ---------- Associate Justice.
" J. P. Ridder ---------- Associate Justice.
L. H. Litchfield ---------- U. S. Marshal.
John Lawrence ---------- Bailiff.
T. J. Gleason ---------- Crier.
W. K. Armstrong ---------- Clerk.

There being no business before the Court this day, and Chief Justice Bartlett being absent, Court adjourned at eleven o'clock A.M. until Thursday next, at the hour of ten o'clock A.M.

[redacted] Bartlett.
W. E. Gleason

U. S. Supreme Court, December 14th A.D. 1865. 7th Day of Term.

This Day (Thursday) Court met pursuant to adjournment at the hour of ten o'clock A.M.

Present:-

His Honor	Chief Justice Bartlett	
"	W. C. Gleason Assoc't	
"	J. P. Knidden "	
	L. H. Litchfield	U S Marshal.
	John Sayvenen	Bailiff.
	T. J. Gleason	Crier.
	Jn. K. Armstrong	Clerk.

Now comes Solomon L. Spink, and on making application and presenting his proper credentials, is duly sworn and admitted to the practice of law as an attorney before the Supreme Court of Dakota Territory.

No further business appearing, Court adjourned at 12. o'clock M, until three o'clock P.M. on tomorrow.

Jno Bartlett

Jno. L. Gleason

U. S. Supreme Court, December 15th A.D. 1865. 8th Day of Term.

This day (Friday) Court met pursuant to adjournment at the hour of three o'clock P.M.

Present

His Honor -- Ira Bartlett --- Chief Justice.
" W.E. Sheeron ---- Associate Justice.
" J.P. Ridden ---- Associate Justice.
L.H. Litchfield --- U.S. Marshal.
John Lawrence --- Bailiff.
T.J. Allison ---- Crier.
W.E. Armstrong --- Clerk.

This day, at the hour of four o'clock, a resolution from the House of Representatives in session in Frankfort was received asking the opinion of the Judges of the Supreme Court, as to the legal interpretation of the 8th Section of the Organic Act.

The said resolution being adjudged to be not a matter of record before the Supreme Court, but as a matter asking for the legal opinion of the said Judges as lawyers, the Court therefore, at the hour of four o'clock P.M. adjourned until three o'clock P.M. to-morrow

Ira Bartlett
Wm E. Sheeron

U. S. Supreme Court, December 16th A.D. 1865. 9th Day of Term

This Day (Saturday) Court met pursuant to adjournment at the hour of three o'clock P.M.

Present:-

His Honor -- Ara Barbett -- Chief Justice
" W. C. Gleeson --- Associate Justice
" J. P. Kidder --- Associate Justice
L. L. Litchfield --- U. S. Marshal
John Sayoreau -- Bailiff
T. J. Gleeson -- Crier
W. K. Armstrong --- Clerk.

Now comes John W. Boyle, and on making application and being duly examined, was sworn and admitted as an attorney before the Supreme Court of the Territory.

The Court directs the following certificate to be entered upon the journal and orders that all certificates hereafter to be issued by the Clerk to attorneys admitted to the bar, shall run substantially in the following form, towit;-

United States of America
Territory of Dakota } ss

At a Sitting of the Supreme Court within and for the Territory of Dakota, begun and held at the Court House in Yankton the Capital of said Territory, on the first Tuesday of December (5th) in the year of our Lord one thousand eight hundred and sixty five; Present.

The Honorables.

" Ara Barbett ---- Chief Justice
" Wm. C. Gleeson ---- Associate Justice.
" J. P. Kidder --- Associate Justice

Among others were the following proceedings, towit,-

Be it remembered, that at the above term, towit, on the day of December in the year aforesaid, L. B. Reed, Geo Hickey, L. B. Bigelow, J. M. Turner, E. D. Gleeson, W. W. Brookings S. L. Spaich, J. W. Boyle, [illegible] and citizens of the Territory, each above the age of twenty one years, appears in open Court, here in pursuance of the Act of the Territorial Legislature, in such case made and provided, and applies for admission to practice the Law in the Territory of Dakota; Whereupon the Court, here in pursuance of the Act of the Legislature aforesaid, examines him touching his qualifications, for admission as an Attorney, and having required,

U. S. Supreme Court. December 16th A.D. 1865 Present Day of Term.

(Continued)

recvd and heard evidence of his probity and general character, and being satisfied upon such examination that he has been a student of law in the United States at least two years previous this application and that he is qualified to discharge the duties of an attorney, and worthy to be admitted; and he having taken and subscribed the oath required by law, is by the Court, here admitted to practice the law in this Territory of Dakota, and thereupon, the Court here orders filed of record, the following certificate, viz:-

United States of America
Territory of Dakota } ss

The undersigned Judges of the Supreme Court of the Territory of Dakota, do hereby certify that on this day of December A.D. one thousand eight hundred and sixty five, being a day during the regular session of said Court, they did, upon the application of J.B. S Todd, Leo Stickney, J.M. Turner, E.B Bigelow G.J. Ideson, S.L. Spink and J.M. Boyle, free white male citizens of the Territory of Dakota above the age of twenty one years, and in pursuance of the Acts of the Legislative Assembly in such case made and provided, examine each of said applicants in open Court, touching his qualifications as an attorney, and require, receive and hear evidence of his probity and general character, and being satisfied upon such examination that he has been a student of law in the United States, at least two years previous to his said application, they are of opinion that he is qualified to discharge the duties of an attorny, and worthy to be admitted to practice Law in the Territory of Dakota

Given under our hands the day and year first above written

Ara Barttett -- Chief Justice
M. L. Ideson --- Associate "
J.P. Kidder --- Associate "

And now, at the hour of 4½ o'clock P.M. Court adjourns without day.

Ara Barttett,
M. L. Ideson.

U. S. Supreme Court, Dec. 4th A.D. 1866. 1st Day of Term.

[illegible] Present

[illegible] Tuesday

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] U.S. [illegible]

[illegible] Crier

Geo. H. Hand Esq U.S. Attorney

M. R. Armstrong having resigned the office of Clerk of the Supreme Court, James D. Foster was appointed Clerk of said Court, and having subscribed the prescribed oath and having filed the necessary Bond, forthwith entered upon the discharge of his duties as Clerk of said Court.

No further business appearing, Court adjourned at 4 O.Clock P.M. until 2. O.Clock P.M. on tomorrow

U. S. Supreme Court, December 5th A.D. 1866. 2nd Day of Term.

This day (Wednesday) Court met pursuant to adjournment at 2. O.Clock P.M. Present.

His Honor Ira. Bartlett Chief Justice
" " J. P. Ridder Associate Justice
" " J. M. Boyle " "
L. H. Litchfield U.S. Marshall
John Lawrence Crier
James S. Foster Clerk
Geo. H. Hand U.S. Attorney

There being no business before the court this day Court adjourned until tomorrow at two O. clock P.M.

U. S. Supreme Court, December 6th A.D. 1866. 3d Day of Term.

This day (Thursday) came and pursuant to adjournment took their seats at Ten O'Clock P.M. The following Officers of the Court were present.

His Honor Salmon P. Chase Chief Justice
" " Nathan Clifford Associate "
" " Noah H. Swayne " "
S. H. Liechfield U.S. Marshall
John Lawrence Crier
James S. Yerker Clerk
Geo. H. Hand U.S. Attorney

A Com. comes L. L. Spink Chairman of the Committee appointed to examine Walter H. Burleigh as Candidate for admission to the Bar of this Supreme Court of Dakota Territory and reports favorably. Whereupon the usual oath being administered by the Chief Justice he was admitted.

And now comes J. B. S. Todd of the Territory of Dakota and moves before this Court, that Hon. N. J. Hamble of Yankton County and Charles McCarthy Esq. of Todd County and Territory aforesaid be admitted as an attorney & counsellor at Law and Solicitor in Chancery, to practice before the Supreme Court of this Territory. The Candidates being duly sworn were admitted to practice in this Court.

The Court now appoints Hon. Jas. M. Bissell & Geo. Shiras a Committee to examine Hon. N. J. Hamble & Charles McCarthy, which committee reported favorably and the said N. J. Hamble & Charles McCarthy being duly sworn were admitted.

Hon Comes L. L. Spink and moves that Geo. H. Hand S. A. Bently, Geo. P. McCrea & E. H. Brandon be admitted to practice Law in the Supreme Court of Dakota Territory and being duly sworn were admitted to practice in this Court.

Court adjourned at Ten Oclock P.M. to meet tomorrow until 10 Oclock A.M.

U. S. Supreme Court.

[illegible] Day of [illegible] Term.

U. S. Supreme Court, December 5th A.D. 1866. 5th Day of Term.

This day (Saturday) Court met pursuant to adjournment at 12 o'clock M.

This Hours Chas Baxter Chief Justice.
" " J. M. Butler Associate Justice
" " J. M. Boyle " "
S. H. Litchfield U. S. Marshal
Chas Lanman Crier
James A. Hall Clerk.
Geo. H. Hand U. S. Attorney

These being no business before the Court.

Ordered that Court adjourn sine die

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U. S. Supreme Court, December Term A.D. 1867. First Day of Term.

Monday December 2nd 1867

The Court convened, this being the day fixed by Law for the Meeting of the Supreme Court of Justice, the following Justices were present, to Wit:

Hon Ira Hartley, Chief Justice
Hon D. J. Sidney, Associate "
Hon C. H. Isaac, Associate "
Hon J. H. Hand, U. S. Atty
Hon J. Litchfield, U. S. Marshal

James Hand, Senr. Hillard, Esqr. Bailiff. & Prosper. Schenk, Acting,

The Court was then adjourned, at Ten o'clock P.M. until tomorrow Morning

10 o'clock A.M. December 3rd 1867

U. S. Supreme Court, December Term A.D. 1867. Adjourned Day of Term.

Wednesday December 4th 1867

The Court met pursuant to adjournment in the Supreme Court Room, at 10 o'clock A.M.

The following Officers of Court were present, to wit,

Hon Wm Cranch, Chief Justice
" " D. T. Kilbee Associate Justice
" " D. K. Boyle Associate Justice
" " Wm. Marsh Att'y
" " Litchfield U.S. Marshal
" R. Morgan Clerk
" James Hamb Crier

The Court appointed James Hamb Crier and Millard Place, Bailiff.

The Court appointed Geo. H. Gorther Clerk, who filed his official Bond, and Oath of Office, and entered upon his duties.

At 3 o'clock P.M. the Court was adjourned until 9 o'clock A.M. tomorrow December 5th 1867.

U. S. Supreme Court. December Term A.D. 1867 Third Day of Term.

Thursday December 5th 1867

The Court met pursuant to its adjournment. & Present
in the United States Supreme Court Room
the following Justices viz present, to wit,

Hon Ann Bartlett. Chief Justice
Hon J. P. Tidder Associate
Hon J. M. Bayle Associate
Geo. H. Hand U. S. Atty.
L. H. Litchfield. Marshal
Geo A Prosser. Clerk
Lewis Hand Crier
Willard Place Bailiff

At half past 4 o'clock P.M. the Court was adjourned until 10 o'clock
to-morrow morning December 6th 1867

U. S. Supreme Court. December Term 1867. 36th Day of Term.

Friday December 6th 1867

The Court met pursuant to its adjournment at 10 o'clock A.M. in the United States Supreme Court Room.

The following Officers were present. viz:

Hon Chas Chase	Chief Justice
Hon S. P. Kilder	Associate
Hon John M Boyle	Associate
Geo. H. Hand	U.S. Attorney
S. H. Litchfield	Marshal
Geo C. Prosser	Clerk
James Hand	Crier
Willard Pace	Bailiff

At a Quarter past four P.M. the Court was adjourned until ten o'clock A.M. to morrow morning December 7th 1867

U. S. Supreme Court. December Term A.D. 1867 Fifth Day of Term.

Saturday December 7th 1867.

The Court First Pronounced the Adjournment thereof for the Supreme Court Room, in Canton, S.C.

After Following Officers were Present, to wit;

Hon Hon Asa Bartlett, Chief Justice
" " A.P. Fidler Associate
" " A.W. Boley "
Lus H. Hand, U.S. Atty
L. H. Litchfield " " Marshal
Lus H. Prosper Clerk
James Hand Crier
Millard Place Bailiff

At half Past four P.M. the Court was adjourned until Monday morning December 9th at 10 Oclock A.M.

Monday December 9th 1867

The Court met pursuant to its adjournment at 10 o'clock A.M. at the Supreme Court Room in Austin.

The following Officers were present to wit:

His Hon Ann Battle C. Chief Justice
" " O.P. Fidler Associate
" " D.W. Bolyn "
Lt. H. Heard U.S. Atty
L. H. Litchfield Marshal
Lt. T. Pasfern Clerk
James Heard Crier
Willard Place Bailiff

Among other proceedings had was the following:

The United States of America }
vs } Appeal from the Second Judicial Dist Court
The Texas Central R.R. }

The cause was heard- His Hon A.P. Fidler delivered the Opinion of the Court.

The Decision of the Court below is affirmed, and said dismissed.

Among other proceedings had was the following:

The United States of America }
vs } Petition in Error from 2nd Judicial Dist Court
Joseph Brughier }

The cause was heard- His Hon O.P. Fidler delivered the Opinion of the Court.

The Judgment of the Court below is affirmed

Ordered. That the marshal execute the ... the Court ...

Among other proceedings had was the following:

Jurge P. Waldrin }
vs } Petition in Error from 2nd Judicial Dist Court
James W. Evans }

The Cause was heard- His Hon Ann Battle delivered the Opinion of the Court. The Judgment of the Court below is affirmed and the Plaintiff is Entitled to Ten per Cent. on such Excess, over the Sum of the Condition of the Judgment. And, that the Plaintiff pay Cost of Summoning Juries, and the Petition and Transcript was ordered not be taxed in the bill of Costs. It is therefore Ordered, that the Clerk of the Court below retax the Costs in this Cause in Accordance with this Decision. And that Plaintiff is Entitled to his Execution

Proceedings to the Contrary

U. S. Supreme Court. December Term A.D. 1867 Seventh Day of Term.

Tuesday December 10th 1867

The Court met pursuant to its adjournment at 10 Oclock A.M. at the Supreme Court Room in Cantlin D.C.

The following Officers were present.

Hon Hon Nya Bartlett Chief Justice
" " L.P. Tidder Associate.
Esq. H. Hand U.S. Atty
" H.C. Litchfield " " Marshal
" A Professor Clerk
James Hand Crier
Millard Place Bailiff

There being no business. The Court was adjourned until tomorrow morning at 10 Oclock A.M. December 11th 1867

U. S. Supreme Court. December Term A.D. 1869. Sixth Day of Term.

Wednesday December 8th 69

The Court met pursuant to its adjournment at the usual hour at the Supreme Court Room in Washington D.C.

The following Officers were present:

Hon Hoar Wm Bartlett Chief Justice
" " S. Nelson Associate
Geo. H. Hoard U.S. Atty
S. H. Litchfield " " Marshal
Geo. A Prosser Clerk
James Hoard Crier
Willard Platt Bailiff

At Four O'Clock P.M. the Court was adjourned until to-morrow morning at 10 O'clock A.M. December 12th 1869

37

U. S. Supreme Court. Eastern District of Va. Tenth Day of Jan
Tuesday December 12th 1861

The Court met pursuant to adjournment at 10 Oclock Am.
at the Supreme Court Room in Alexandria D.C.
The following Officers were present:
His Hon Ard Bartlett. Chief Justice.
" " A.P. Ridder. Associate.
" " Lin H. Hand. U.S. Atty
" " L.H. Litchfield " Marshal.
Lin A. Prosser Clerk.
James Hand Crier.
Willard Place Bailiff

The Court met pursuant to adjournment at 10 Oclock Am. December 3d 1861

U. S. Supreme Court. December Term, A.D. 1867 ninth Day of Term.

Friday December 13th 1867

The Court met pursuant to adjournment & was opened in due form by Crier

His Hon. Chief Justice

" " Nelson Associate

" " Grier " "

" " Clifford " "

" " Swayne " "

" " Miller " "

" " Field " "

" " Chase " "

when being no further business at 12 o'clock M. the Court was adjourned with out day.

34

U. S. Supreme Court. Term 1867. A.D. 1867. 15th Day of Jan.

Present

[illegible] Term of the Supreme Court at the Court Room in Washington. On the following Days Viz

Hon. [illegible] Justice.
" S. P. Tilden Associate
" J. M. Doyle "
Lieut. Col. Hazard U.S. Attorney
Maj. [illegible] Marshal
Lieut. [illegible] Court
Lieut. H. Edwards Crier
Willard Clerk

William Smith moved that he might be admitted to practice as an Attorney and Counsellor at the Bar of the Supreme Court upon taking the usual oath. Mr. Smith was admitted.

Charles H. Hand moved that Charles E. Bradley and Charles E. Bradley, jr. be admitted to practice as Attorneys and Counsellors at the Bar of the Supreme Court. Ordered.

No. 1 Mary Ann Hopkins, Complainant, vs. Charles [illegible], Respondent. In Equity.

No. 2 Sarah Brown, Complainant, vs. Mary [illegible], Respondent. In Equity.

Upon motion of Counsel for Complainants in the above cases, it is ordered that the Bill of Complaint in each of said cases be dismissed.

Court being for further business the Court adjourned until to-morrow morning. January 29th A.D. 1868 at 10 o'clock A.M.

U. S. Supreme Court. January Act. A.D. 1869. Second Day of Term.

C. Rockwell

The Court and Counsel as this morning. Attorneys
The following Orders were made.
Ordered. That Wm. Stanley Esq. Clerk of
the D.C. of Indiana be and he is hereby
appointed U.S. Attorney
for the District of Indiana
vice Wm. Watts
Ordered. That Wm. H. Nelson be and he is hereby appointed U.S. Attorney
for the District of Alabama
vice Wm. H. Hunter
Ordered. That Wm. Cook be and he is hereby appointed Clerk
of the D.C. of Indiana
vice Wm. Stanley
Ordered. That Wm. Lea be and he is hereby appointed Marshal
for the District of Tennessee
vice Wm. L. Sitlington

No. 36. Litchfield vs Cleveland & Pittsburgh R.R. Co. Motion by Mr. Stanbery on behalf of Defendant's Counsel for leave to withdraw the Writ of Error heretofore sued out in this cause. Mr. Evarts on behalf of Plaintiff in Error opposes the motion. Plaintiff Counsel in No 1 and in No 2 move for Final Continuance. The motions are argued by Counsel.

At 12 Oclock, M. the Court adjourned until Tomorrow morning Jan 21st at 10 Oclock A.M.

36

U. S. Supreme Court, April 21st 1869. Wednesday of Term.

Pearsalls

This Court not having decided to adjourn at its Stated Session
this Morning Offices Pro tem present

His Hon Ch. Justice Seattle Chief Justice
" Nelson Associate
" J. M. Wayne
" N. Grier "
" R. C. Nelson U.S. Attorney
" A. J. Dallas " Marshal
" W. Micou Clerk
" O. H. Edwards Crier
" Wm. Lee "

Ordered that Counsel be allowed fifteen minutes each to argue
their causes, unless further time be granted by the Court.

U. S. Supreme Court. Monday 22nd D. 1869. Tenth Day of Term.

Friday

The Court met pursuant to adjournment at 10 O'clock A.M.
The following Officers were present

Hon Henry Stanbery Chief Justice
" S. F. Miller Associate
" S. P. Chase "
" S. H. Nelson "
" G. H. Grier "
" N. Clifford "
" G. W. Swayne "
" S. Davis "
" S. F. Field "
" W. Strong "
" J. P. Bradley "
" J. M. Harlan "
Hon H. Stanbery U. S. Attorney
" E. J. Waller " " General
Geo. M. Thompson Clerk
S. M. H. Edwards Crier
Willard Hall Bailiff

L. H. Litchfield by

There being no further business presented to the Court, it was adjourned until to-morrow morning January 23rd at 10 O'Clock A. M.

3b

11. J. Inspruce Comte Lucas 9:xc C.L. 1869. Sept Day of Jan.

Chancellor

Lord and Baronet to acknowledge a Notice of
Case Cause and Matter
Sir Hon Sir Walter Christie
Sir Edward Archibald
Sir H. Jones
Sir H. Jones U.S. Albany
Sir Wm Wm Maitland
Sir Wm Edwards Lieut
Willard Jacob Bailiff

Lord Chancellor, was taken ill, and the Opinion of the Court was delivered by Lord Justice Turner, the motion to dismiss the Bill, to be argued

Monday

The Court met pursuant to adjournment at 10 o'clock A. M.
The following Officers were present

Hon Henry Ary Bartlett. Chief Justice
" " S. Fiddler. Associate
" " O. Wyle. "
Hon Leo Hoard. U.S. Attorney.
" " Keller. " Marshal
Hon A. J. Hopper. Clerk
" A. H. Edwards. Crier
Willard Hall. Bailiff.

There being no further business the Court adjourned until to-morrow morning at 10 o'clock A M

S. No. Litchfield by

46

At a Supreme Court, Salem, 26th of J.D. 1866 Seventh Day of Term

Present

The Court not having sat this day adjourned at 11 o'clock A.M.
and returned to the Court House and sat,

Present, The Hon. Edmund Dana Chief Justice
" " Richard Associate
" " Peleg Sprague "
" " Samuel Wells Attorney
" " Seth Sprague Clerk
" " Marshal
" " Edmonds Crier
" " Isaac Bailiff

There being no further business the Court was adjourned without day

Pursuant to law the Supreme Court met at the Court Room in Washington D.C. and was duly opened. The following Officers were present

His Honor S. P. Chase Chief Justice.
" J. M. Nelson Associate
" W. H. Swayne "
Warren Coles Mrs. Attorney
L. H. Litchfield " " Marshal
Geo. A. Bruce Clerk
Geo. I. Cooke Reporter
A. D. Fuller Bailiff

J. R. Hanson by

The following Cases were docketed and Called

No 1 Docket F. Rousseau Plaintiff in Error
vs
Samuel Martin Defendant in Error
Continued from last Term

No 2 Jacob Brua Et al Plaintiffs in Error
vs
Harris N. Granger Defendant in Error
Continued from last Term.

No. 3 Lewis Bedell
vs
Hugh E. McLellan
Late of the Territory of Dakota — Respondents

vs
Andrew Baker — Appellant —
Surgeon U.S. Medicine Dept Lieut

No. 5 — Saml. C. Bentley
John Andrews
vs
Hugh Stanley, Appeal from 2nd District Court

No. 6 Miller, State of Arkansas
vs
William Gaines
Cause No. 1 being called the attorneys in the case appeared and Counsel filed stipulations dismissing said cause at their own costs

42

H. S. Supreme Court, Saturday 15th Feb. A.D. 1812 Sixth Day of Term.
Present

Cause No. 2 being called, Parties not for Hearing proceeding till 9 o'clock Agn.

Cause No. 3 being called, Was Continued over the Term On motion of Defendants Attorney G. C. Mercer Esq

Cause No. 4 being called.

Whereon Leander Esq Defendants Attorney moves a Continuance of the Case, which is granted—

Cause No. 5 being called, Defendants Attys moved to Continue the Case — Decision Stands over undecided —

Cause No. 6 being called, Whereon set for Hearing Morning at 9 o'clock

Then being no further business the Court Adjourned until 9 Morrow Morning at 9 o'Clock

U. S. Supreme Court, January 19th A.D. 1870 Second Day of Term.

Wednesday

The Court met pursuant to its adjournment at 10 o'clock A.M.

Present His Hon Geo. W. Church. Chief Justice
" " S. P. Kidder Associate
" " W. W. Brookings "
Warren Coules U. S. Dist Atty.
L. M. Litchfield " " Marshal
Geo. I. Foster Crier
L. K. Jansen by Geo. A. Prosper Clerk
A. J. Fuller Bailiff

No 6. United States of America }
vs } Writ of Error
William Gordon }

Now comes W. W. Coules. and moves to dismiss. as follows, Motion on file.

The Court appointed Messrs Bartlett. Hand and Coules a Committee to draft Court Rules. to be Submitted to the Court.

The Court thereupon took a recess until 2 O'clock P. M.

The Court met at 2 O'clock P. M.

The Court overruled the Motion to dismiss.

Attorney Coules. moves a Continuance over the term.

The Motion for Continuance being argued. a decision was withheld. until tomorrow morning

The Court adjourned until tomorrow morning at 9 O'clock.

11. S. Supreme Court — 2nd D. 1912 2nd Day of Jan.

Wheeler

The Court not further at its adjournment of 9 o'clock A.M.
The following Justices
Hon Alex. St. Newcomb Chief Justice
" J. F. Gedney Associate
" W. W. Gerry "
Francis Wm U.S. Attorney
Chas. Letchworth " Marshal
J. K. Hazen, Clerk, & Stenographer
L. C. Fisher, Crier
A. J. Walker, Bailiff

United Stat. Appeals
vs
Indians Gordon

Motion of Francis Cooke, to Continue Case over the Term. Not by the Court Sustained.

Ber. Grant &c
vs
Louis St. Louis

Motion of Defendant to Dismiss Appeal

Chas. Grant &c
vs
Frank Bailey

Motion to Continue Case over the Term.

Motion Sustained Case Continued over the Term.

Motion of Defendant to Dismiss Appeal

Motion Overruled Exception by Defendant

Friday

The Court met pursuant to adjournment at 10 o'clock A.M.

[illegible]

Last Week Friday

[illegible]

[illegible] Pending argument, the Court [illegible]

At 4 o'clock P.M. the Court took a recess until 7 o'clock P.M.

At 9 o'clock P.M. the Court adjourned until Tomorrow Morning at 9 o'clock A.M.

46

U. S. Supreme Court. Regina v. 22nd A.D. 1870 Sixth Day of Term.

Saturday

The Court met pursuant to adjournment at 9 O'clock A.M.
The following Officers were present
The Hon Sir W. Buell Richards Chief Justice
" " J. J. Keirdin Associate "
" " W. H. Hastings " "
Hon. Lewis D. J. Attorney
L. St. Litchfield " " Marshal
E. P. Hanson. Esq Law Officer Clerk
L. J. Foster Crier
A. G. Fuller Bailiff

United States of America :
vs : Writ of Error
William Gordon :

Pending argument of Counsel at 12 O'clock M the Court rose a recess until half past One P.M.

The Court met at half past one P.M.

In the Cause of Hunter and Anderson vs Hugh Young on motion of Plaintiffs Atty. It is Ordered that the Cause be Continued over the term,

The Arguments being closed the Court adjourned until Monday Morning January 24th at 9 O'clock A.M.

U. S. Supreme Court, January 24th A.D. 1870. Circuit Court of Term.

Monday

The Court met pursuant to adjournment at Dakota A.M.
The following officers were present

His Hon Chs F. French Chief Justice.
" " J. P. Kidder Associate "
" " W. W. Brookings " "
Thurston Cross U. S. Attorney
L. L. Litchfield Marshal.
J. R. Hanson, by Dep. Deputy Clerk
Geo. D. Foster Crier
A. J. Fuller Bailiff

Jacob Branch et al
vs
Harris M. Granger

Writ of Error

Ordered: That the Marshal furnish Three Hundred Copies of the decisions of the Supreme Court of the Territory of Dakota as reported by Justice Kidder

United States of America
vs
William Gordon

Writ of Error

Justice Brookings delivered the Opinion of the Court. The Court Rule that the Exceptions as to Insufficiency are Sustained. Under the Indictment. The Court below had no Jurisdiction. It is therefore Ordered, that the Marshal return the Prisoner. William Gordon. to his liberty.

In the Matter of Jacob Branch et al vs Harris M. Granger
Justice Brookings declined to take part in this Cause. for the reason that he had been Atty in the Cause in the Court below.
Attorney for Granger Assented. Attorneys for Branch et al Objected.

Ordered. That Court return Its Opinion in the above Cause, if Jacob Branch et al vs Harris M. Granger
in Vacation as for the business the Court will transact at its next Term.

U. S. Supreme Court, January 3rd A.D. 1871. Sixth Day of Term

Dundas

Territory of Dakota. Met at the Court Room at Yankton. The Capitol of said Territory this Tuesday. January 3rd A.D. 1871.

By Following Officers Present.

His Honor Geo. H. French Chief Justice

" " S. P. Kidder Associate

" " Jr. H. Bootkins "

Hyram Carlos U. S. Attorney

J. B. Litchfield Marshal

J. R. Hanson Clerk.

Harry Bristine Crier

The Calendar being called

No 1 Schad & Roptuschin vs Samuel Mortimer. Petition in Error. Struck from the Calendar.

No 2. Jacob Barnes Et al. vs Harris H Granger. Appeal.

No 3 L L Bedell vs Thomas E McClelland. Appeal

Set for argument Saturday Morning January 7th.

No 4 People of the Territory of Dakota vs Andrus Baker. Appeal

Set for argument Thursday Morning January 5th

No 5 Samuel A Bently and John A Andrus vs Hugh. Fraley. Appeal

Set for argument Thursday 2 P.M. January 5th

No 6 John R. Wood vs Wm H Blair. Motion for new trial.

Struck from the Calendar

No 7 Schad & Roptuschin vs Thompson and Hamilton.

Set for argument Friday afternoon January 6th

There being no further business the Court adjourned until tomorrow morning at 10 Oclock A.M.

U. S. Supreme Court. January 4th A. D. 1871. Second Day of Term.

Wednesday

The Court met pursuants to its adjournment at 10 A M

Officers present

His Hon George G Fitch Chief Justice
" " A Tidder Associate "
" " W. W. Brookings "
Frank Bowles U. S. Attorney
Lafayette Litchfield " " Marshal
J. K. Hanson Clerk
Harvey Bisbee Crier
George Galbraith Bailiff

The Court was opened and Calender No 4 being called. is viz:-
The people of the Territory of Dakota vs Andrew Baker. appeal from 1st District
Attorney Bowles presented his Brief and argument for Appellant
& the Court
attorney Bigelow presented brief and argument for Respondent.
pending argument of Bigelow the Court adjourned until 2 P. M.

The Court opened at 2 P. M. The arguments in No 4.
being concluded. and the Cause given to the Court. at 4 O'clock P. M
the Court adjourned until 10 O'clock to morrow morning.

50

U. S. Supreme Court, January 5th A.D. 1871 third Day of Term.

Thursday

The Court met pursuant to its adjournment at 10 A.M.

	Officers	Present
His Hon	George F. Smith	Chief Justice
" "	S. Nelson	Associate "
" "	N. H. Swayne	" "
	Samuel Davis	U. S. Attorney
	S. H. Litchfield	" Marshal
	D. P. Aiman	Clerk
	A. Bristow	Crier
	Geo Galbraith	Bailiff

The Court was opened. There being no business the Court was adjourned until to morrow morning at 10 Am

U. S. Supreme Court, January 6th Friday A.D. 1870. Tenth Day of Term.

Friday

The Court met pursuant to its adjournment at 10 Oclock A.M.

Officers Present

His Honor George W. French Chief Justice.
" " S. P. Kidder Associate
" " W. W. Brookings "
Warren Leavis U.S. Attorney
L. H. Litchfield " " Marshal
L. N. Hanson Clerk
H. Brisbine Crier
Geo. Galbraith Bailiff

The Court being duly opened. On Motion of Bartlett Tripp Esq Calvin L. B. Harris and Edwin E. White were admitted to practice as attorneys and Counsellors in the Supreme Court. The said Calvin L. B. Harris and Edwin E. White appearing at the Bar and being duly sworn their names were entered upon the Roll of attornies in this Court.

No 5. Isabella Bently and John Andrews vs Hugh Fraley. Appeal. Counsellor Bayer opened said Cause for Plaintiffs and presented Argument.

The Court adjourned until 2 Oclock P.M.

Counsellor Bartlett Presented argument. in reply.

The Court then adjourned until Saturday Morning January 7th at 10 Oclock A.M.

5

U. S. Supreme Court. January Term A.D. 1871. Fifth Day of Term.

Saturday 7th

The Court met pursuant to its adjournment at 10 Oclock A M

Officers present

His Hon George F. Deasey Chief Justice
" " J. J. Riddle Associate "
" " W. W. Brooks " do
Wyatt Lewis U. S. Attorney
L. N. Litchfield " " Marshal
L. R. Hanson Clerk
W. Bisbee Crier
G. Galbraith Bailiff

The Court being opened Calendar Cause No 5. L & M Bentley and Thos Andrews vs Hugh Brady. was called.
Counsellor Fisher presented Arguments and authorities for Defendant pending which the Court adjourned until 2 Oclock P M
The Court met at 2 P M. Counsellor Fisher concluded his argument. Whereupon Counsellor Moody proceeded with the closing argument. pending which at 4 45 P M the Court adjourned until 10 oClock A M Monday January 9th "

U. S. Supreme Court, January Term A. D. 1871. Sixth Day of Term.

Monday 9th

The Court met pursuant to adjournment at 10 Oclock A.M.

Officers Present

His Honor	George W. Smith	Chief	Justice
"	"	L. J. Ridder	Associate "
"	"	J. W. Hawkins	" "
		Warren Coyles	U. S. Attorney
		L. H. Litchfield	" " Marshal
		L. R. Hanson	Clerk
		H. Bisbine	Crier
		G. Galbraith	Bailiff

Calender No 5 Bently and andrews vs Hugh Farley. Counsellor Moody Continued argument in cause. The argument being concluded the Cause was given to the Court.

The Court now adjourned until tomorrow morning January 10th to 10 Oclock A.M.

5th

U. S. Supreme Court, January 10th A. D. 1871. Seventh Day of Term.

Tuesday

The Court met pursuant to its adjournment at 10 o'clock A.M.

Officers Present

Hon Salmon P Chase Chief Justice
" " S. F. Miller Associate "
" " N. H. Brookings " "
Hon Wm Cowles U. S. Attorney
L. H. Litchfield Marshal
L. N. Hanson Clerk

Harvey Brisbine, Esq. Crier, Lloyd Galbraith Bailiff

Calendar No 2. L. L. Bridell vs Thomas E. McClelland.
Cancelled White Entered printed Motion to dismiss.
Motion to dismiss withdrawn, and Cause submitted to Court without argument.

Calendar No 4 People of the Territory of Dakota vs Andrew Baker.
Justice Brookings delivered the Opinion of the Court.

"The Judgment of the Court below is affirmed with Costs of the Appeal. and the Cause remanded to the first District from whence it came. for the Enforcement of the Judgment and Sentence of the Court"

Ordered "The Court orders Six pairs of Woolen Blankets for the benefit of the United States Jail. Furnished by the United States Marshal"

Calendar No 1 Chas F Robertscher vs Thompson & Hamilton
Cancelled Moody. Files written Motion to dismiss Appeal.
The Court overrule the the Motion to dismiss and Order the Cause Stricken from the Calendar. as a Mis Entry

The Court was adjourned until 10 Oclock Tomorrow Morning

U. S. Supreme Court, January 11th 1871. Eighth Day of Term.

Wednesday.

The Court met pursuant to its adjournment at 10 oclock A.M.

Officers Present.

Hon Salmon P. Chase Chief Justice
" " J. G. Nelder Associate Justice
" " W. Strong "
Barron Cowles U. S. Attorney
L. H. Litchfield " " Marshal
L. R. Hanson Clerk
Harvey Brisbin. Crier. Geo. Galbraith Bailiff

There being no business before the Court. It was adjourned until 10 Oclock To morrow morning. January 12th 1871

N. H. Supreme Court, Merrimack, ss. [illegible] Term.

Judicial

Be it remembered that all writs and processes issued out of the Supreme Court and all rules, orders and decisions made by the Judges thereof, and all verdicts rendered by juries in said Court, and all recognizances taken before the Justices thereof, or before any Commissioner appointed to take the same, and all other proceedings had in said Court, from the commencement of the first Term thereof, to the end of the Term next after the rising of the Legislature of this State, in the year of our Lord one thousand eight hundred and [illegible], are hereby declared to be valid and effectual in law, to all intents and purposes whatsoever.

60

U. S. Supreme Court. January Term A.D. 1872. Third Day of Term.

Present - Wednesday

Whereas heretofore the Practitioners of the January Term A.D. 1872. - Court were by Proclamation duly adjourned to 10 o'clock. A.M.

His Honor Stevens P. French Chief Justice
" " Hugh Campbell Associate "
" " D. D. Brooks " " "
" C. Litchfield U. S. Marshal.
" James Eccles U. S. Attorney.
" A. Hanson Clerk "

John Cunningham Esqr

United States of America

vs.

Emilio Garcia.

And now at this time H. C. Woods Esq. one of the Attorneys for the said Defendant presented to the Hon. Court for a writ of Habeas Corpus to issue in the said Case which petition was read and said Case taken under advisement to morrow morning.

And now at this time His Honor is pleased to appoint John Cunningham and he has accepted him as Clerk of this Court.

And now on this motion of the Counsel for the Court adjourned until to-morrow morning at 10 o'clock.

U. S. Supreme Court, January Term A.D. 1872. Third Day of Term.

Friday, Jan. 26th 1872.

Court met pursuant to adjournment.

United States of America
vs.
Annette Gallinger

Cause partly tried & continued over.

Orpus vs. Andrews & Samuels
U. Beatty
vs.
Hugh Fraser
vs.
Supreme Court.

Said Cause after argument & Court
was continued until the next Term of the

Hugh Fraser
vs.
Annette Andrews

On motion, a mandatory was entered in said Cause
by order of the Court.

On motion of Hannis Taylor Esq. Alexander Hughes was admitted
as an Attorney to plead this Court.

Adjourned until Tomorrow morning 10 o'clock
A.

62

H. N. Supreme Court. Session S.t. A.D. 18[illegible]. 2nd Day of Term.

Present Henderson Esqr Judge

At this Court, adjourned) Mutt Lawrence Receiver to
Robert K. on Motion of Williams Tripp Esq. in behalf of
the Defendants notified by the Clerk & Sheriff J. S.
Todd Esq the Receiver of this Court

Adjourned).

Saturday Jan 6th 1872.
Court Met pursuant to adjournment at 10 o'clock
On Motion of Williams Tripp Esq the following Rules were
Ordered & Entered of record & this Court

U. S. Supreme Court, January Term, A.D. 1(0)1. 18[illegible]. 43 Day of Term.

(No. 1)

January Term, A.D. 1[illegible]

Court and Parties. Motion for Leave to File Petition for Writ of Certiorari.

(and) Exhibits.

James Kalek

vs.

D. A. Taylor was argued by Mr. Powell Moody

for

(Respondent) and submitted.

64

U. S. Supreme Court, January Term A.D. 1872. Day of Term.

Monday Jan. 8th

Counsel for Respondents ask leave to file Motion to dismiss Writ of Error & Return.

Leave granted

Motion to dismiss Writ of Error & Return filed

Ordered until Thursday next at 12 o'clock M. for hearing

Motion to dismiss Writ of Error & Return argued by Mr. Bissell for Respondents

Ordered that Petitioners have leave to file Assignments of Error in this Court on or before the 25th day of March next

Ordered that Petitioners have leave to file Assignments of Error in this Court on or before the 25th day of March next

Motion to dismiss Writ of Error & Return argued by Mr. Bissell for Respondents

Ordered until Thursday next at 12 o'clock M. for hearing

Petitioners Counsel not present to file Assignments of Error and the Application for a writ of Habeas Corpus in this case

Motion to dismiss Writ of Error & Return argued by Mr. Bissell for Respondents

U. S. Supreme Court. Term 1811. Clerk's Term.

Frederick Dec. 10th 1812

Court met pursuant to adjournment on the 10th inst. On the case of the United States vs. Ephraim Brandt Jun. the writ of Habeas Corpus issued for his better hearing was returned by the Sheriff.

Adjourned until 2 P.M.

At this hour Court met pursuant to adjournment.

Charles F. Mercer Esqr. Attorney for the United States appeared & moved for a Mandamus to the Overseers.

Adjourned.

66

U. S. Supreme Court. ... Term, A.D. 1892. ... Day of Term.

Present, ... J.

Court met pursuant to adjournment. Officers all present.

Minutes of last Session read.

Cases Reached and Argued & Submitted to the Court.

Court met pursuant to adjournment at 10 o'clock. Adjourned at 5 o'clock & 30 minutes Court adjourned.

Friday Jan. 12 1892.

Court met pursuant to adjournment at 10 o'clock. Adjourned at this time to Com.

C. J. Campbell
vs. } Cases assigned for Argument.
Pa. Pa.

And now at this time Court adjourned until 10 o'clock A.

Now expiring no further business assigned until Monday next at 10 o'clock A.

Fees Law Court and Reference & Arbitrators Fees
A.M.C.
And now at this time Arrangements etc
C. J. Hamilton
L. Sh. Carr was recommended by A. S. Gantt Esq. one of the
Attorneys in said Court on the part of the Plff

And now at 2 o'clock Court adjourned until Monday Dec 9
at 10 o'clock.

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U. S. Supreme Court, Term C. J. 1872. Day of Term

Monday Jan. 15th

Court met pursuant to adjournment at 10 o'clock.

Present as before. Bar called and appeal dismissed by Mr. Moody Ed for appellee, Mr. Reid in each case for appellant.

Wednesday

Adjourned.

Thursday Jan. 16th 1872.

Court met pursuant to adjournment.

Argument in case of U. S. vs. Gaussen resumed.

Mr. Justice Wood. Judgt. of Court below affirmed

Rule of the Territory

Opinion Concluded Verdict of Court below set aside & the Judgt. of Court below, reversing the motion in arrest of judgment and it is ordered that the Bail Bond given by Deft. on appeal be exonerated

Wm. H. Hair Plff in Error

John F. Wood Deft. in Error

And now comes the said parties by their Attorneys and thereupon this action came on to be heard upon the petition of the said William H. Hair & was submitted without argument by Counsel, on consideration whereof it is ordered and adjudged by this Court, that the judgment of the 1st Jud. Dist. Court, within and for the said County of Marion in this cause is hereby affirmed with Costs and by Court of Sess. Terr. here in open Court rendered upon the Journal. It is further ordered and decreed that the Costs herein expended in the Court below may be retaxed by the Judge of the said 1st Jud. Dist. Court upon five days notice of the same party, & when so retaxed Execution may issue for such Judgment, Costs. & it is further ordered that a special Mandate be sent to the said 1st Jud. Dist. Court, for said County of Marion to carry this judgment & order into effect

United States Marshal to Deft. in Error.

William Thos. Atty for Deft in Error

U. S. Supreme Court Kansas Term A.D. 1872. 15th Day of Term.

Tuesday Jan. 16th

Court met pursuant to adjournment at 10 o'clock.

Jacob Brown et al. Plffs in Error
vs.
Harris H. Granger Defts in Error

The pltffs in error by their Counsel moved the Court for an order that the writ of Error in this cause be dismissed for want of prosecution and that the cause be remanded to the Court below with costs which motion was argued by Counsel for the pltffs in error and submitted to the Court.

On consideration whereof it is ordered by the Court that the writ of Error in this cause be and the same is hereby

Territory of Dakota ss. In Supreme Court.

Jacob Brandt, et al
Plffs in error
vs
The Heirs & Representatives unknown
of Harriet M. Granger deceased
Defts in error

And now came the said parties, by their Attorneys, and thereupon this action came on to be heard upon the petition of the said Jacob Brandt et al Plffs in error, and was submitted upon briefs without argument. On consideration whereof it is ordered and adjudged by this Court, that the judgment of the said First Judicial District Court within & for the said County of Clay, wherein the said Harriet M Granger, since deceased was plaintiff and the said Jacob Brandt et al were defendants, be and the same is hereby reversed, with costs & that the said plaintiffs in error be restored to all things which they or either of them have lost by reason of the said judgment

And it is further ordered that the said 1st Judicial District Court within & for said County of Clay do forthwith, without delay, to final judgment between the said parties according to law: and it is further ordered that a Special Mandate be sent to the said District Court for said County of Clay to carry this judgment into execution.

U. S. Supreme Court, January Term, 1873. No. 1 Day of Term.

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U. S. Supreme Court, A.D. 1872. 4th Day of Term.

Tuesday July 16"

This being the first day of this adjourned term Court met pursuant to adjournment at 10 o'clock

Present Hon. Chas. P. Franck Chief Justice
" E. Haldeman Associate Justice
" H. H. Brooking "
" L. H. Bissell " U. S. Marshal
H. C. Brisbois Clerk

Jas. Aylesworth & notorious Court adjourned until
tomorrow morning at 9 o'clock.

Wednesday July 17" 1872. 2d Day
Court met & adjourned until tomorrow morning at
10 o'clock

H. C. Brisbois
Dep. Clk.

U. S. Supreme Court, July Term A.D. 1872. 3rd Day of Term.

Thursday July 18th

Court met pursuant to adjournment of yesterday.

Present

His Honor S. P. French Asst Justice
J. P. Kidder Associate Justice
H. H. Brooking " "
H. J. Bridges Atty Gen.

Adjourned until to-morrow at 10 o'clock.

H. J. Bridges
Atty Gen.

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M. S. Supreme Court. Sept. Term. A.D. 1872. 1st Day of Jan.

Tuesday July 19th 1872

Present. Chf. Justice Waite and Associate Justices of the Supreme Court of Nevada.

Chas. F. Bancroft vs. L. H. Case — Appeal from 2nd Jud. Dist. Court. Motions to dismiss heard by Justice Miller - Judgt. of Court below reversed & cause remanded. Motions for preliminary writs of Injunction & Certificate of Division of Opinion denied.

United States vs. Reuben Fallinang — Application for a new trial

The Judgment of Court below affirmed and the cause remanded for sentence according to law.

Chas. F. Faisluenchi vs. Hezekiah Thompson — Judgt. of Court below affirmed.

Motions of Atty Genl to dismiss the cause & Certificate of Division in the Supreme Court, & Mo. to affd.

H. J. Bigelow
Dpty. Clerk

U. S. Supreme Court. January Term A.D. 1893. 1st Day of Term.

Tuesday January 7th 1893.

This being the first day of the regular Term of the Supreme Court for the regular January Term A.D. 1893. Court met pursuant to adjournment at 10 o'clock A.M.

Present His Honor

George W. Fuller Chief Justice
J. P. Riddell Associate Justice
W. W. Brookings " "
Hilliard Lovell U. S. Attorney
H. G. Burdick U. S. Marshal.
F. T. Cannon Clerk By H. J. Burbris Deputy
H. M. Hasbrouck Crier

Then Afternoon no further Court adjourned until tomorrow morning at 10 o'clock.

U. S. Supreme Court, January Term, A.D. 1873. 21 Day of Term.

Wednesday Jan. 8th

This Day Came again Counsel Pursuant to adjournment &
is ordered. A.M.

Present His Honor
" Hon. S. P. Chase Chief Justice
" " N. Clifford Associate Justice
" " N. H. Swayne " "
" " William Strong " "
" " S. F. Miller " "
" " J. P. Bradley " "
" " Ward Hunt " "
" Hon. J. Hubbard Clerk By H. J. Brights
" " W. Carlisle Deputy Clerk

Thursday morning no business Court adjourned until ten o'clock
morning at 10 o'clock.

U. S. Supreme Court, January Term. 1871. 3rd Day of Term.

Thursday, January 9th 1873.

Court met pursuant to adjournment at 10 o'clock A.

Present

His Honor George N. Fenner Chief Justice
" " W. Ridder Associate Justice
" " C. C. Brookings " "
William Parker U. S. Attorney
J. M. Bundick " " Marshal
J. A. Haynes Clerk
J. M. Washburn Crier

And now on this day the cause of
Samuel A. Derby and John Pedeaux. Plffs. in Error.
vs.
Hugh Farley Defendant in error. being called in its order on the Docket by the Clerk, the Plff in Error submitted a motion for a continuance of said cause, accompanied by affidavit. Which motion was overruled by the Court, and Court set for Argument to Morrow morning at 10 o'clock to which time the Court adjourned.

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U. S. Supreme Court. January Term. A.D. 1873. 4th Day of Term.

Friday January 10th 1873.

Court met pursuant to adjournment at 10 o'clock

Present

His Honor George C. Bruch. Asst Justice
" " J. P. Hedian Associate Justice
" " C. L. Brooking " "
Hon. Bruch U. S. Attorney.
J. H. Sanders " " Marshal
J. R. Hanna Clerk.
J. M. Hackland Crier.

Samuel A. Beatty & John Andrews.
vs.
Hugh O'Daley.

And now at this time said case was proceeded with by Counselor G. C. Moody Attorney for Pltf. in Error. And now. this Court proceeded to appoint James O'Laughlin Silas H. Kidder W. H. Blair and Alexander Hughes as Court Commissioners for the first Judicial Dist. and. Robert Cox as Commissioner 2d Dist. at Hilt Fairbanks Agency. And now at this time Mathis Grigsby was admitted to practice before this Supreme Court of this Territory.

And now at this time Court adjourned until tomorrow morning at 10 o'clock.

Saturday January 11th 1873. 5th Day.

Court met pursuant to adjournment. Present the usual Officers as yesterday.

Agreement in this case.

(Brief filed Andrews
Hughes vs Finley

adjourned ad Q.M.

U. S. Supreme Court. January Term 1873. 6th Day of Term.

This day Court met pursuant to adjournment A.D. 10 A.M.

Present

His Hond. George N. Frank Chief Justice
" Fidelis Kercicks Justice
" H. Brooks " "

Officers of Court all present.

Argument of Defendants counsel finished.

Court now adjourned at 4 o'clock & 30 minutes Court adjourned until tomorrow morning at 10 o'clock.

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U. S. Supreme Court, Argument Jan. 6th. 1873. 7th Day of Term.

Tuesday Jan. 14th 1873.

This Court Convened at 10 o'clock A.M.

Present His Hon.

Geo. S. Franch. Justice

Justices Davis

Justices Clifford

Justices Swayne

And now at this day Peter Cagger Esq. Counsel for Plaintiff in Error and Jas. Coffroth Esq. Counsel for Defendant in Error, appeared in Court and the Argument of this Cause was resumed on the part of Plaintiff in Error and the same was concluded on the part of Defendant in Error.

And now at this term Court adjourned until Monday 19th May A.D. 1873.

U. S. Supreme Court. Adjourned Jan. Term. 1873. 1st Day of Term.

Thursday May 6th 1873.

Met Now this being the first day of the Adjourned January Term of this Court. Court met pursuant to adjournment at 10 a.m.

Present

His Hon. P.C. Shannon Chief Justice

" " A.F. Bonus Associate Justice

Whereupon it is ordered that this Court be adjourned until May 7th 1873 at 2 o'clock P.M. at this place. Record of the proceedings of Justice Victoria

By the Court

Attest J.H. Hanson — Clerk

By H.J. Bisonette Clk.

U. S. Supreme Court. Adjd. January Term A.D. 1873. 21st Day of Term.

Wednesday May 7th 1873.

This day Court met pursuant to adjournment at 2 o'clock P.M. at the Court Room in the City of Yankton
Present His Hon. P. B. Shannon Chief Justice
" " A. H. Barnes. Associate Justice
" " J. P. Kidder " "
Whereupon the Court called for the reading of the Pleadings & cases for argument at this Term which was done
And thereupon D. C. Moody Esq. of Counsel. and reads & files certain papers and moves for a reargument in the case of
Samuel A. Beatty Pltff. in Error
vs
Hugh Fraley Defendant in Error } No. 8 January Term 1871
whereupon on hearing Moody and Beatty for the Motion and Bartlett Tripp in opposition. and Thereupon further argument on said motion was postponed until 8 o'clock. A.M.
Also Came. Nathl Tripp Esq. who moves to correct the journal record in this same case
Also Came William Rand Esq. United States District Attorney and presents and reads in open Court a petition to the Supreme Court of Dakota Territory from Divers Attorneys at Law and other Citizens of the 3rd Judicial District of Dakota Territory praying the Court to Change the place of holding the United States Court from the County Pembina to the County of Cass. which petition being endorsed and Ordered filed in writing by said U.S. Atty. and by J. W. Bredick Esq the U.S. Marshal — is ordered to be filed. And thereupon Thereupon the said Court do make the following order that is to say as follows.

Whereas a petition has been presented to this Court praying by the representations of the U.S. Marshal. and Attorney declaring that the first Judicial District of the Territory. requires a change to be made holding the Court in and for said District from Pembina to Cass in the County of Cass. in order to all cases arising under the Constitution and Laws of the United States Can Conveniently and Justly be brought and tried in which the United States are a party. And whereas by and under the fifth section of the act of Congress of the 16th of August 1861 entitled an act to Authorize the Judges of the several Courts of the Territories to change the place of holding their Courts in certain cases. the Territories to fix and appoint the several places of holding the several Courts in their respective districts. the Territory of Dakota

The Sheriff is commanded to return this writ executed and certified as required by law.

And it is hereby ordered and appointed that the Hon. Andrew Hall holding the Circuit Court in the Circuit Judicial District in so far as it relates to all cases in which the United States are concerned and as to which jurisdiction is vested with a jurisdiction similar to that of the Circuit and District Courts of the United States - shall hereafter be as follows to wit: At Savannah in the County of Chatham on the second Tuesdays of January and September in each year:

Provided that for the next term of Court a Court Room and jury rooms with necessary furniture accommodations and appurtenances be furnished free of all expense to the United States Government.

May 2nd 1873.

By the Court

And thereupon the Court was adjourned until 8 o'clock P.M. this day

Thursday May 8th A.D. 1873. at 8 o'clock P.M. the Court met at the Court room at Savannah - Present all the Judges

Argument of Counsel in the case of Samuel A Beaty Pl. in Error vs. Hugh Fraly Defendant in Error, resumed by Bartlett Tripp Esq. and L.C. Moody contra - Thereupon after consideration thereof the Court order and adjudge that the motion for a reargument in the said cause be granted and that the 25th day of June 1873. at 10 A.M. be fixed and appointed for the said reargument.

After which came Bartlett Tripp Esq. Counsel and move the Court for a reargument in the case of

[illegible] vs. Hugh Fraly [illegible] on motion in Error &c

And in support of his said motion L.C. Moody Esq. is heard in reply thereto.

Whereupon in consideration thereof it is ordered that Hugh Fraly in error above named show cause why the said Motion should not be granted and that the hearing thereof be at an adjourned term of the Court to be held at the Court Room in the City and County of Savannah on the 25th day of June A.D. 1873. at 10 o'clock A.M. and to be heard after the argument in the case above mentioned. And it is further ordered that a copy

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Wednesday May 17th

of the said Receiver and this order be served on the Counsel for the Plaintiffs six days before the hearing of said motion.

And thereupon it was ordered that this Court do stand adjourned until Saturday the 17th day of May 1893. at 10 o'clock A.M. at which time

By the Court

Attest

J. C. Hanson Clerk

By W. J. Brinnier Dep

In the Supreme Court held at Carson City on the 1st day of May A.D. 1873.

Saturday May 17th 1873.

This day Court met pursuant to adjournment and the Court room in the City of Carson was opened

Present His Hon. F. C. Shannon Chief Justice
" " A.W. Baum, Associate Justice
(Absent Justice Ricker because of holding his Court in the 3rd Judicial District)

And now May 17th 1873. it is ordered that the order of this Court of May 7th 1873. relative to changing the place of holding the Court in the 3rd Judicial District (so far as same in which the United States are concerned) from Pioneer to Virginia be and the same is hereby suspended and shall not go into effect until the further order of this Court

By the Court.

After transaction of business relative to the records and Journal of this Court it is ordered that this Court stand Adjourned until Monday the 26th day of May 1873 at 10 o'clock A.M. at the same place

By the Court

Attest.

J. T. Hansen Clerk.
By H. J. Bristow Deputy.

In Supreme Court, Thursday, May 25th, A.D. 18 93. City of Penn.

This day, Court met pursuant to adjournment, at the court-room, in the city of Blankton, at 10 o'clock, a.m. —

Present— P. C. Shannon, Chief Justice
H. H. Barnes, Associate "

And now, May 26th, 1893, no business being presented, it is ordered that this Court be adjourned to the 25th day of June, 1893, at 10 o'clock, a. m. —

By the Court,

Attest— P. C. Shannon
Ch. Justice —

U. S. Supreme Court. Adj'ed January Term A.D. 1873. 5th Day of Term.

Wednesday June 25th 1873

This day Court met pursuant to adjournment. at the Court Room. in the City of Franklin. at 10 o'clock A.M.

Present

Hon. C.E. Shannon. Chief Justice.
" A.H. Barnes Associate "
J.H. Brunlick " "

And now it was directed that the following order of the Court be entered towit:

And now. June 25th 1873. it is ordered, That George S. Foster Esq. be and he is hereby appointed Clerk of the Supreme Court of this Territory.

By the Court—

And now N.J. Crosson Esq is appointed to prepare rules for this Court to report at the next Term

And now the following rules of this Court were directed to be entered.—

Rule One In all cases now pending or hereafter brought into this Court, the plaintiff in Error or Appellant shall serve a copy of the record or case upon the Atty for the defendant in Error or respondent, at least Ten days before the first day of the Term and shall furnish each member of the Court a copy of such record or case upon the calling of the cause for argument

Rule Two— Written or printed briefs or points of each party shall be furnished to the opposite party at least Ten days before the argument and a copy thereof furnished each member of the Court upon the calling of the cause for argument

Rule Three:— The records or case in all Causes brought to this Court— shall be paged over the lines numbered

By Consent of Counsel, the two cases now pending, in this Court—, were continued until the next regular Morning Term of this Court— Lucy Nevada being absent and a letter having been received by Justice Barnes, from him, stating. that it would be impossible

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In the Supreme Court of Judicature [illegible] 1825. 5th Day of [illegible]

[illegible]

[illegible]

[

U. S. Supreme Court, Circuit Court, 1st Circuit, 1873. 6th Day of Term.

Tuesday August 13th

This day the Chief Justice and Associate Justice of the Court being absent at 11 o'clock this Court was adjourned without date by R. H. Williams deputy Clerk

Attest

Geo. S. Taber
Clerk

U. S. Supreme Court. January Term A.D. 1874. 1st Day of Term.

Sunday January 6th

Be it remembered that on this day Owit the 6th day of January A.D. 1874, the Supreme Court of the Territory of Dakota met pursuant to law, at the Court Room in Yankton the Capital of said Territory, at 10 o'clock A.M. with the following officers present viz:

His Honor P.C. Shannon Chief Justice
" " J.P. Kidder Associate "
" " A.H. Barnes " "
Wm. Pound Esq U.S. Attorney
Jas. Lawrence Dep. U.S. Marshal
Geo. I. Foster Clerk

Jacob Hetrick &c } Bailiffs
C.C. Burdick }

And now on motion of S.L. Spink Esq J.D. Wallis Esq of Sioux Valley Minnehaha County is admitted to practice in this Court

John Andrews &c
Samuel A. Bentley
Plaintiffs in Error

vs.

Hugh Finley
Defendant in Error

Appeal from Yankton County

And now after argument by L.C. Moody Esq one of the Counsel for Plaintiffs in Error Court at 12 o'clock and 45 Minutes P.M. took recess until 1 o'clock and 45 minutes P.M.

Court now at 1 o'clock and 45 minutes P.M. Court convenes with the same officers present as this A.M.

John Andrews &c
Samuel A. Bentley
Plaintiffs in Error

vs.

Hugh Finley
Defendant in Error

Appeal from Yankton County

And now after argument by L.C. Moody Esq one of the Counsel for Plaintiffs in Error Court at 5 o'clock and 10 minutes P.M. adjourns until Monday January 8th at 10 o'clock A.M.

Geo. I. Foster Clerk

U. S. Supreme Court, January Term 1824. 8th Day of Term.

Wednesday January 14th

This day continue pursuant to adjournment and
o'clock A.M.
Present

His Honor R.C. Stevens Chief Justice
" " J. C. Kidder Associate "
" " A. M. Barry " "
Wm. Pound Esq U.S. Attorney
Jno. Lawrence Dep. U.S. Marshal
Geo. S. Foster Clerk
Bar Tipstaffs

Jacob Hetrick Jun
C. E. Bordick } Plaintiffs in Error

John Andrews and
Samuel A. Bentley } Appeal from Hunterdon County
Plaintiffs in Error

v

Hugh Fraley
Defendant in Error

Jno. Ogden Esq moved the Counsel for Defendant in Error - Court at 12 o'clock and 35 Minutes P.M. - Court rises until 1 o'clock and 30 Minutes P.M.

And now at 1 o'clock and thirty minutes P.M. Court convene with the same officers present as this A.M. -

John Andrews and
Samuel A. Bentley } Appeal from Hunterdon County
Plaintiffs in Error

v

Hugh Fraley
Defendant in Error

And now at 2 o'clock P.M. after the Argument by S. L. Southard Esq on the part of the Attorney for Plaintiffs in Error this Cause is submitted to the Court

John Thrain
v
Hannah Newcomb } Motion to dismiss appeal

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U. S. Supreme Court. January Term A.D. 1874. 2nd Day of Term.

Wednesday January 7th

And now after argument by counsel the court pronounce the motion to dismiss the appeal and order that the order staying proceedings be vacated

And now at 5 o'clock P.M. court adjourns until January 27th 1874 at 10 o'clock A.M.

Attest

Geo. S. Foster
Clerk

U. S. Supreme Court. January Term 1874. 3rd Day of Term.

Sunday January 25th 1874

This day came the parties by their attorneys and the Court being sufficiently advised of and concerning the premises, doth find that the Court has jurisdiction of the cause and of the parties thereto.

Present

Hon Thos P. C. Shannon Chief Justice
" A. H. Barnes Associate Justice
" Wm Pound Esq U.S. Attorney
J. M. Bartch U.S. Marshal
Geo. L. Foster Clerk
Forest Nesbitt Asst
C. E. Berdick Bailiff

J. M. Thurston
Respondent

Cook C. C. Boyer
Appellant

} Appeal from Yankton County

Upon motion of Counsel for the Respondent leave is given to withdraw the transcript from the files for the purpose of filing a further transcript in the case, as provided by Statute, in case of appeal, in cases of judgments for recovery of possession of real property.

Thereupon the Court adjourned until the following Sunday morning at 11 o'clock.

Sunday 27th

1874, This cause coming on to be argued by Counsel and duly heard - Whereupon it is ordered that the judgment appealed from be affirmed as prayed for - and that an additional bond in $250 - be filed within five days - and no default appearing to have been.

Court met at 11 o'clock. All the officers of the Court being present except the Court, it adjourned until Monday March 9th 1874 at 11 o'clock A.M.

Attest

Geo. L. Foster
Clerk

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H. T. Supreme Court Adjourned Term A.D. 1874 Day of Term.

Wednesday March 11th A.D. 1874

The Hon. Supreme Court for Dakota Territory met at the Court Room in the City of Yankton at 10 O'Clock A.M.

His Hon. P. C. Shannon Chief Justice being present and the Honorable U. S. Marshall by his Deputy Lorin Lawrence Hon. H. C. Barnes and J. P. Kidder Associate Justices being absent, The Chief Justice orders all persons bound by Recognizance to appear this day, to be then and there at the time & which this Court Stands adjourned, directed an adjournment until the 4th day of May A.D. 1874. at 10 oclock A.M.

Attest Geo. I. Foster Clerk.
By B. S. Williams Deputy

U. S. Supreme Court, Adjourned Term, A.D. 1874 — Day of Term.

Monday May 4th 1874.

The Hon. Supreme Court for Dakota Territory met at the Court Room in the City of Yankton at 10 o'clock A. M. Pursuant to adjournment

His Hon P. C. Shannon Chief Justice and S. C. Bunticle U S Marshall being present.

Hons J P Kidder and J. H. Barnes Associates being absent The Chief Justice ordered that all persons bound by recognizance to appear then & they be and appear at the time to which this Court stands adjourned; and that the Court be adjourned until Tuesday the 7th day of July A.D. 1874. at 10 o'clock A. M. or until such further day as may give time for the Judges to come from their Circuit duties

Geo W Fuller Clerk

By. B. J. Fitzgerrell Deputy

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11. J. Supreme Court Judgment Roll A.D. 1874 Diary of Term.

Tuesday July 7th

The Hon Supreme Court for Estate Territory met at the Court Room in the City of Yankton at 10 o'clock A.M. Pursuant to adjournment

His Honor P C Shannon Chief Justice,
" Hon J P Kidder Associate Justice
" Hon A H Barnes Associate Justice
" William Parnes Asst Attorney
" J H Bradley U S Marshal

Sarah Hewitt
E E Bennett } Bailiffs

And now on motion of G G Moody Esqr. J R Gamble Esqr of Yankton Yankton County is admitted to practice in this Court

And now July 7th 1874. an application having been heretofore made by Geo D Foster Esqr. Clerk of this Court for the appointment of Benjamin F Williams as his deputy. Upon consideration thereof, the said Benjamin F Williams is hereby appointed Deputy Clerk as aforesaid who shall take the Oath and otherwise qualify according to Law

By the Court
P C Shannon. Chief Justice

The People of the Territory of Dakota
vs
Peter P Winternute } Application and motion of said Defendant, for a stay of the execution of the judgment and sentence of the District Court in and for the County of Yankton, until the final adjudication upon the Writ of error issued the 2nd day of July. A.D. 1874 &c—

July 7th 1874.

This from agreed by Counsel for both parties— The above application heard personally present— Said motion held over for advisement

U. S. Supreme Court, January Term A. D. 1874. 2nd day of Term.

Tuesday Forenoon 7th

The People of the Territory of Dakota
vs
Peter P Winternute } The Petition of Peter P. Winternute presented in open Court praying the issuing out of a Writ of Error as above, and the pendency of the same,— and praying for the issuance of a Writ of Habeas Corpus both and that he may be admitted to bail, pending such Writ of error.

Petition ordered to be filed, and the Court direct the issuing forthwith the Writ of Habeas Corpus as prayed for. Same day the prisoner, Peter P Winternute is brought into Court by S W Cass, Sheriff of Yankton County, who makes return as endorsed on said Writ.— Which return so made is ordered to be filed with the paper thereto annexed. Whereupon the application of said prisoner that he be admitted to bail as aforesaid, was heard and argued by counsel by Mr — G. C. Moody Esqr on behalf of said prisoner, and by George H Hazen Esqr for the people: and after hearing the Court declines to admit thereof.

And now at 4 o'clock and 30 minutes P. M. the Court adjourns until 8 o'clock and 30 minutes A. M. tomorrow morning

Attest
B J Williams
Depy Clerk

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U. S. Supreme Court, January Term A.D. 1874. 6th Day of Jan.

Wednesday Session 9 o'clock A.M.

This day Court met pursuant to adjournment at 8 o'clock and 30 minutes A.M.
The Officers of the Court all present

The People of the Territory of Dakota
vs
Peter P. Winternute

} Motion of the defendant for a Stay of the execution of the Sentence, etc

And now in open Court this 8th day of July A.D. 1874 - an application by the above named defendant Peter P Winternute in person, and by his Counsel, having on yesterday been made to this Supreme Court in Session - for a Stay or delay of the execution of the Judgement and Sentence in this Case, until the final adjudication upon this Writ of error; and the said application having been argued by Counsel, and this Court having held the same under advisement until it is, upon consideration thereof ordered and adjudged that the said application of the said defendant be, and it is hereby granted, and the said Writ of error is by the Court allowed. Nunc pro tunc as of the date of the said Writ

By the Court
P C Shannon Chief Justice

J J B Harris Plaintiff
vs
James Prentiss Respondent

} Appeal from Jefferson County

This cause continued until January Term 1875 by consent of Counsel in open Court

Jefferson County
vs
Wm F Constantine

} Appeal from Jefferson County

This cause continued until January Term 1875 by consent of Counsel in open Court

U. S. Supreme Court January Term 1870. Chas. A. Tinn.

Wednesday July 6th

James In Stone } Appeal by defendant from the Judg-
vs ment of the District Court of Jasper County
Lord & P. Sayers } in Second Judicial District

And now comes G. C. Moody Esqr. with argument for the appellant in this cause.

And now at 12 oclock and 30 minutes P. M. this Court takes a recess until 1 oclock and 30 minutes this P. M.

And now at 1 oclock and 30 minutes P. M. the Court comes with all present

James In Stone } Appeal by defendant from the Judg-
vs ment of the District Court of Jasper County
Lord & P. Sayers } in Second Judicial District

G. C. Moody Esqr continuing the argument in behalf of Appellant

And now at 10 oclock P. M. the Court is adjourned until 8 oclock and 30 minutes tomorrow morning.

10c

U. S. Supreme Court, January Term A.D. 1874. Day of Term.

Thursday July 9th

And now at 8 oclock and 30 minutes A. M. the Court met pursuant to adjournment The Officers of the Court all present.

James M Stone vs Hart L. C. Myers. } Appeal by defendant from the Judgment of the District Court of Manitou County in Second Judicial District.

And now to J. B. Harris Esqr argues for respondent

And now Bartlett Snipe Esqr for respondent

And now G. C. Moody Esqr the closing argument for appellant

And now at 1 oclock and 20 minutes P. M. the Court takes a recess until 2 oclock and 30 minutes P. M.

And now at 2 oclock and 30 minutes P. M. the Court convenes with all the Officers of Court present

United States vs J. W. & E. B Crawford } Writ of Error to the District Court of Second Judicial District

After argument by Counsel on request to continue this cause is set for hearing on Monday evening July 13th 1874

Bentley & Andrews vs Hough Insley } Motion to reopen once reargue the cause

Motion argued by S. A Bentley and G. C. Moody Esqrs for Plaintiffs Andrew Bartlett Snipe Esqr for Defendant Same day Motion overruled and opinion to be filed

And now at 6 oclock and 30 minutes the Court adjourned until Monday at 7 oclock and 30 minutes P. M. the 13th day of July A.D. 1874.

Attest
B. B. Williams
Dept Clerk

U. S. Supreme Court, January Term A.D. 1874. Day of Term.

Monday July 13th

And now at 7 o'clock and 30 minutes P.M. Court met pursuant to adjournment the Officers of the Court all present

The people of the Territory of Dakota
vs
Peter P Wintermute
} Application of the defendant to be admitted to bail on a Writ of Habeas Corpus

And now July 13th 1874.

The Examinations of the Court, delivered that the said application to be admitted to bail as aforesaid be, and it is hereby denied, Without prejudice, however, to any right the prisoner may have to renew this application. — and the prisoner Peter P Wintermute is remanded into custody.

Attest B. S. Williams Dep. Clk

James M Stone
vs
Carl L. P. Myers
} Appeal by defendant from the judgment of the District Court of Yankton County in Second Judicial District

The Judgement of the Court below affirmed and decision of the Court filed — Written opinion to be filed

United States
vs
A. W. Crawford and
E. B. Crawford
} Appeal from the District Court of the Second Judicial District

And now comes Bartlett Tripp Esqr with opening argument for appellants and defendants

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U. S. Supreme Court, January Term A.D. 1874. Day of Term.

Tuesday Jan'y 13th

Samuel A Bentley
& John Andrews
vs
Hugh Finley

Motion of Bartlett Snips Esqr Counsel for Finley to dismiss Judgement on the journal of this Court

The following Entries granted

This appeal from the judgment entered in this action on the 20th day of June 1866 having been brought to this Court on Error and the Same having been submitted to the consideration of the Court upon the record proofs and argument of Counsel for Plaintiffs and defendants in Error, it is now on motion of Bartlett Snips Esqr Counsel for defendant in error adjudged that the Judgment of the Court below be affirmed and that said defendants in Error recover of the said Bentley and Andrews plaintiffs in error the costs of appeal taxed at Two Dollars and Eighty Cents

Seal

Attest

Witness the Honorable P C Shannon Chief Justice and the Hons A H Barnes and J P Kidder associate Justices of said Court

B S Williams
Deputy Clerk

U. S. Supreme Court, January Term A.D. 1874. 2nd Day of Term.

Tuesday July 14th

And now at 9 o'clock A.M. the Court met pursuant to adjournment. the Officers of the Court all present,

Wiscandott National Bank of Kansas
vs
S Eisenmenger
} Appeal from Jackson County

The following Stipulation were filed

It is hereby stipulated by and between the above named parties, that the appeal in this case shall be dismissed, and in consideration thereof said pleintiffs and respondents agree to stay execution on the Judgement of the Court below until the 15th day of November A.D. 1874, - such dismissal to be without or penalties to either party and each party to pay their own costs and disbursements

dated July 13th 1874,

Bartlett Sharpe
Respondent Attorney
G. C. Moody
Attorney for Appellants

United States
vs
J.W. Crawford
& E.B. Crawford
} Appeal from District Court of the Second Judicial District

And now after arguments by A.C. Sprink and William Penn Dyer for the United States, the Court takes a recess until 1 o'clock and 30 minutes This P.M.

And now at 1 o'clock and 30 minutes the Court convenes with all the Officers of the Court present

The people of the Territory of Dakota
vs
Peter P Wanderwort
} Writ of Error District Court of Franklin County

Motion for a continuance by the defendant

The hearing of this matter is postponed until Friday morning the 17th day of July A.D. 1874,

11 U.S. Supreme Court Saturday Dec. 1874. 1st day of Jan.

Saturday Jany 16th 75

The United States
vs
W. Crawford &
E.B. Crawford

Appeal from Dist. Court of
the Second Judicial District

And now comes Wm. Pennel Esqr with
argument for the United States, and S.C. Wood Esq
for appellants And now at 6 o'clock P.M. to
least adjourned until 9 o'clock and 30 minutes
tomorrow morning

U. S. Supreme Court, January Term 1874. Day of Term.

Wednesday July 15

And now at 8 o'clock and 30 minutes the Court met pursuant to adjournment the Officers of the Court all present

The United States vs J W Crawford and E B Crawford } Appeal from the District Court of the Second Judicial District

And now comes L. C. Moody Esqr with his closing argument for appellants

The Court desiring to advise and consider the cause, — no decision filed —

And now at 12 o'clock the Court does now adjourn until 9 o'clock Friday morning July 17th 1874.

11. A. Supreme Court. January Term A.D. 1874. 2 Day of Term.
Friday July 17th

And now at 9 oclock A.M. Court met pursuant to adjournment the Officers of the Court all present

The People of the Territory of Dakota
vs
Peter P. Winternute
} Writ of Error from the District Court of Yankton County.

4 July 1874.

Stuck over on this 17th day

The said defendant being in Court by himself and Counsel. Moves for a Continuance of this cause until the first day of the next Term. January 1875. and to support said motion rehits and files the affidavits of himself and Leonard Lovett Esqr

Motion argued by S. L. Woody Esqr Counsel for defendant - and by Geo. H. Hand Esqr. Counsel for the People.

Whereupon, and on consideration thereof, the motion of said defendant for a continuance, until the next regular January Term, 1875- was by a majority of the Court, granted- Chief Justice Sherman dissenting and objecting said Continuance, the Counsel for both parties having declared they would be able to proceed on next Monday a week hence

And now at 1 oclock P.M. this Court takes a recess until 3 oclock this P.M.

Friday July 17th

And now at 5 oclock P.M. the Court convenes Hon A. H. Barnes associate justice being absent

W. N. Belmont & Clark ex'tors
vs Respondents
John L Bates et al
appellants

} Appeal from the District Court of the Second Judicial District

The following decision was filed. and opinion ordered filed

And now on this 17th day of July A.D 1874, this action came up to be heard, and was submitted to the Court on the printed Briefs of the respective attorneys of the parties; and of the duly considering the same, it is ordered and adjudged that the judgement of the Court below be, and the same is affirmed with costs; and the action is remitted to that Court for further proceedings.

By the Court

Hough Fraley
vs
Samuel A Bentley
& John Andrews

} Motion for an appeal by said defendants to the Supreme Court of the United States

Same day

By consent of said defendants, Rule on the plaintiff to show cause why the above Motion should not be granted- Rule made returnable on the 29th day of September 1874.

U. S. Supreme Court. January Term A.D. 1874. 4th Day of Term.

Friday September 25"

Be it remembered that on this 25" day of September AD 1874. the Supreme Court for Dakota Territory met pursuant to adjournment at the Court Room in Hamilton, Pembina County in said Territory at 10 o'clock A.M.

His Hon P.C. Shannon Chief Justice Presiding
Present " Wilkins Bond by J. A. Bond Dist attorney
" J.C. Benedict " H.L. Hart Dept U.S.M.
" Geo A Foster " B.S. Wilkins Dept Clerk
" Bailiff

Jacob Hedrick
Hugh Fraley
vs
S.A. Bentley and
John Andrews.

} The Rule to show cause why an appeal to the Supreme Court of the United States shall not be allowed was called for hearing, When by consent the same was continued until Dec 1st A.D. 1874,

United States
vs
Wm. E.B. Crawford

} The Court still desiring to advise and to consider their decision This cause is held over until December 1st 1874

At a Special term of the Supreme Court of the Territory of Dakota held at the Second Judicial District Court Room in and for the County of Pembina on the 14" day of July A.D. 1874.

Present the Honorable P.C. Shannon Presiding Judge of said Court. And the Hon's J.C. Benedict A.H. Barnes associate Justices of said Court

The First National Bank of Wyandotte Kansas
vs
Charles Eidemann and Simeon Eidemann

Co partnership trading under the firm name of S. Eidemann & Co. S.A. Bentley and John Andrews former partners under the firm name of S. Bentley & Co.

Tuesday September 29th

Once now at this term this cause coming on to be heard. Comes the Plaintiff by his attorney Bartlett Tripp Esqr as well also comes the defendants by their Attorney E. C. Moody Esqr and by their written Stipulation herein filed consent that this appeal be dismissed without costs or penalties & either party to pay his own costs and disbursements and it is therefore ordered and adjudged that the appeal herein be and the same is hereby dismissed each party to pay his own costs and disbursements on appeal Witness the Hon. P. C. Shannon Chief Justice and J. P. Kidder Associate Judge of said Court

By the Court
P. C. Shannon Chief Justice

No further business being before the Court it is adjourned until December 1st A.D. 1874 at 10 oclock A.M.

Attest Geo. I. Foster Clerk
By B. J. Williams Deputy

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U. S. Supreme Court. January Term A.D. 1874. 2nd Day of Term.

Tuesday December 1st 1874.

Be it remembered that on this 1st day of December A.D. 1874. the Supreme Court for Dakota Territory, met pursuant to adjournment at the Court Room in Yankton in said Territory at 10 Oclock A.M.

Present. His Hon P.C. Shannon Chief Justice presiding
" Louis J. Pilcher & A.H. Barnes Associates
" H.L. Williams Former District Attorney
" J.H. Benedict United States Marshal
" Geo. D. Foster by B.S. Williams Dept. Clerk
Bailiff
Joel Hetrick

United States Respondents
vs
John W. Crawford and
E.B. Crawford Appellants

It is ordered and adjudged in this case, that the judgment of the Court below, so far as it regards and applies to J.W. Crawford &c, and the same is affirmed

And it is also ordered and adjudged in this Case, that the judgment of the Court below, so far as it regards and applies to E.B. Crawford &c, and the same is Reversed and a new trial granted,

And the case is remanded to the Court below for further proceedings according to law in conformity with this decision—

And that the sentence against said J.W. Crawford be carried into execution—

By the Court

U. S. Supreme Court, January Term 1874. 2nd Day of Term.

Tuesday December 1st

Samuel A. Bentley Asst
John Andrews
vs
Hugh Fraley

After argument of said Rule to show cause and on consideration thereof, it is the unanimous opinion of the Court, that as it manifestly appears by the record and proceedings in this cause the amount in controversy so far as the defendant below were concerned is less than one thousand Dollars— Therefore the said Rule should be discharged and the Original motion is hereby dismissed—

By the Court

Samuel A Bentley Asst
John Andrews Plff's in Error
vs
Hugh Fraley Deft in Error

Notice of appeal from order denying appeal

Now comes Plaintiffs in Error and give notice that they appeal to the Supreme Court of the United States from the order of the Supreme Court of Dakota territory denying Plaintiffs right to an appeal in this cause.

Samuel A Bentley Asst
John Andrews
Plaintiffs

And now there being no further business before the Court it is adjourned until next Term

Attest B. S. Wallbrunn Deputy Clerk

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U. S. Supreme Court, January Term A.D. 1875. 1st Day of Term

Tuesday January 5th

Be it remembered that on this day to Wit: the first Tuesday of January it being the 5th day of January A.D. 1875. The Supreme Court of the Territory of Dakota met pursuant to law. at the Court Room in Yankton the Capital of said Territory. at 12 o'clock P.M. Wit the following Officers present to Wit

His Honor P. C. Shannon, Chief Justice
" " J.P. Kidder Associate
William Pound Esqr U.S Attorney
J.H. Benedict U.S Marshal
B.S. Williams Deputy Clerk

Bailiff
Jacob Gethett

Associate Justice A.H. Barnes being absent and no business being ready or presented to the Court it is therefore by request of the bar adjourned until Wednesday at 10 o'clock A.M. the 20th day of January A.D. 1875.

Attest B.S. Williams Deputy Clerk

U. S. Supreme Court. January Term A.D. 1875. 2d Day of Term.

Wednesday January 20th 1875

This day Court met pursuant to adjournment at 10 o'clock A.M.

Present

His Honor P. C. Shannon Chief Justice presiding
" " J. P. Kidder Associate Justice
" " A. H. Barnes " "
Wm Pollock Esq U.S. Attorney
J. H. Burdick U.S. Marshal
Geo. I. Foote Clerk
James Noonan Bailiff

The People of the Territory of Dakota Respondents
vs.
Peter P. Winkenmeier Appellant

This cause being called it is, by consent of parties, on account of the absence of Jason B. Brown Esq one of the attorneys for the Respondents, ordered that it go over to Thursday January 21st 1875

And now at 11 o'clock A.M. there appearing no further business before the Court, it adjourns until Thursday January 21st at 9 o'clock A.M.

Attest

Geo. I. Foote
Clerk

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U. S. Supreme Court. January Term A.D. 1875. 5th Day of Term.
Friday January 23rd 1875

This day court met pursuant to adjournment at 9 o'clock A.M.
Present

His Honor P. C. Shannon Chief Justice presiding
" " J. P. Kidder Associate "
" " A. H. Barnes " "
Wm. Brand Esq U.S. Attorney
J. H. Burdick U.S. Marshal
Geo. I. Foster Clerk
James Noonan Bailiff

The People of the Territory of Dakota
Respondents } On writ of Error
vs.
Peter P. Winterrude
Appellant

And now at 9 o'clock A.M. January 23rd 1875, the argument in said cause proceeded and was continued by Mr. Smith until 12 o'clock M, at which time the court took Recess until 2 o'clock P.M.—

And now at 2 o'clock P.M. court convenes with the same officers present as this A.M.— Whereupon Mr. Smith continues his argument and concluded at the opening, at 4 o'clock P.M. at which time Court adjourns until 9 o'clock A.M. Monday January 25th

Attest

Geo. I. Foster
Clerk

U. S. Supreme Court. January Term A.D. 1875. 6th Day of Term. 117

Monday January 25th 1875

This day court met pursuant to adjournment at 9 o'clock A.M.

Present

Hon Honor P. C. Shannon Chief Justice presiding
" " J. P. Kidder Associate Justices
" " A. H. Barnes " "
Wm Found Esq U.S. Attorney
J. H. Burdick U.S. Marshal
Geo. L. Foster Clerk
James Noonan Bailiff

The People of the Territory of Dakota
Respondents
vs.
Peter P. Whitemuele
Appellant
} On writ of Error

And now at 9 o'clock A.M. Monday January 25th 1875 Jason B. Brown Esq. on behalf of the prosecution, proceeds with the argument and continues until 12 o'clock and fifteen minutes P.M. - at which time the Court takes Recess until 2 o'clock P.M.

And now at 2 o'clock P.M. Court convenes with the same officers present as this A.M.

Whereupon Mr. Brown continues and concludes his argument on behalf of the People, at 5 o'clock P.M. at which time Court adjourns until Tuesday January 26th at 9 o'clock A.M.

Attest

Geo. L. Foster
Clerk

11 J Supreme Court Sitting in Banco
Tuesday January 2nd 1883

Friday Term 46 Vict

Friday 2nd next assigned for argument of
Appeals.

Present

His Honor T. J. Johnson Chief Justice presiding
" J. J. Fraser Puisne "
" A. G. Barnes " "
Wm Pound Esq Att. Attorney
J. H. Beamish Att. Montreal,
Jno. L. Foster Clerk
James Noonan Bailiff

C. J. B. Harris
Appellant
vs.
James Prentice
Respondent

Appeal from Yamaska County

This cause being brought on for hearing
it is argued by C. J. B. Harris Esq Counsel pro se for
Appellant also by Bertha, Esqr and L. C. Moody Esqrs
of the Counsel for said Prentice the Respondent herein

And now at 1 o'clock Pm. Court take Recess until
2 o'clock Pm.

And now at 2 o'clock Pm. Court convenes with the
same officers present as this AM

Whereupon Mr. Moody
resumes and closes the argument on the part of the
Respondent

And now Mr. Harris presents with case closes the
argumentation on the part of the Appellant at 5 o' clock
Pm.

Yamaska County
Respondent.

Caroline L'Heureux
Appellant

Appeal from Bon Homme County

U. S. Supreme Court, January Term 1825. 7th Day of Term.
Tuesday January 26th 1825

And now on this 26th day of January 1825 comes Franklin County by its attorney Walter Mordy and Coroner Ince Evans also the said Charles F. Rousseau then the appellant herein by his counsel Messrs B. Hoffman & Spink
And now this cause coming on for argument Mr. Spink from the counsel for appellant proceeds with the argument in behalf of the said Charles F. Rousseau appellant herein pending which argument at 6 o'clock P.M. Court adjourns until 9 o'clock A.M. Wednesday January 27th

Attest-

Geo. S. Foster
Clerk

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U. S. Supreme Court, January Term A.D. 1875. 8th Day of Jan.
Wednesday January 27th 1875

This day Court met pursuant to adjournment of yesterday

Present

His Honor P. C. Shannon Chief Justice presiding
" " J. C. Kidder Associate "
" " A. H. Barnes " "
Wm. Bound Esq U.S. Attorney
J. R. Brendick U.S. Marshal
Jas. L. Foster Clerk
James Norman Bailiff

Yankton County
Respondent
vs.
Charles F. Rosteuscher
Appellant

Appeal from Bon Homme County

And now On this Comes this Argument and Closes the Opening Argument on the part of this Appellant, Charles F. Rosteuscher, at 10 o'clock and thirty minutes A.M.

Whereupon Mr. Moody proceeds with the Argument on the part of Yankton County, Respondent herein and Closes this Argument at 12 o'clock noon

And now On this proceeds with the Closing Argument on the part of this Charles F. Rosteuscher the Appellant herein and Closes the Same at 12 o'clock and thirty minutes P.M.

Whereupon the Court takes Recess until 3 o'clock and thirty minutes P.M.

And now at 2 o'clock and thirty minutes P.M. Court convenes with the same Officers present as this A.M.

The County of Elk Point
Respondent
vs.
Geo. O. Hoyt
Appellant

Appeal from Union County

U. S. Supreme Court. January Term A.D. 1875. 8th Day of Term.
Wednesday January 27th 1875

And now on this 27th day of January A. 1875 comes the City of Elk Point by its attorneys L. C. Moody and Alex Hayden Esquires and comes also the said Geo. A. Vaughn the Appellant herein, by his counsel E. W. Miller and Bartlett Joseph Esquires

And now this cause coming on for argument Mr. Miller proceeds with the argument on the part of said Geo. A. Vaughn Appellant herein and concludes the closing argument at four o'clock and thirty minutes P.M. whereupon Mr. Moody proceeds with the argument on the part of said City of Elk Point Respondent herein and is followed by Mr. Hughes who closes the argument on the part of said City of Elk Point Respondent herein at 6 o'clock P.M.—

And now Mr. Griffith proceeds with the closing argument on the part of said Geo A. Vaughn the Appellant herein and closes the same at 6 o'clock and thirty minutes P.M. whereupon the Court adjourns until 9 o'clock A.M. Thursday January 28th 1875

Attest

Geo. I. Foster
Clerk

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In the Supreme Court, January Term A.D. 1895. Petition of Farmers
Saturday January 26th 1895

Met pursuant to adjournment at
Salem, Ore.

Present

His Honor P.K. Shannon Chief Justice presiding
" " J.L. Snider Associate "
" " A.H. Burnett " "
Wm Bruce Esq U.S. Attorney
J.H. Brisbin U.S. Marshal
Geo. L. Foster Clerk
James Noonan Bailiff

And now, on motion of Bartlett Kelly Esq John L. Kelly Esq is admitted to practice at the Bar of this Court

And now, on motion of Alex Hayden Esq J. A. Wallace Esq is admitted to practice at the Bar of this Court

And now the oath prescribed for admission to Attorneys practicing in the Courts of this County is administered to Mr. Kelly and Mr. Wallace

Farmers National Bank of Salem
Respondent
vs.
R. M. Rasmussen
Appellant
} Appeal from Clay County

This cause being brought on for hearing, it is agreed by Mr. Kelly for the plaintiff R. M. Rasmussen appellant herein that Mr. Bartlett Kelly for the party Farmers National Bank respondent herein, brief appeal close at 10 o'clock and reply briefs close at 10 o'clock Mon.

Case heard at 11 o'clock A.M. Court Cotie. Recess until 1 o'clock P.M.

N. D. Supreme Court. January Term 1921. Appeal from City of Fargo.
Wednesday, January 26th 1921.

And now at 2 o'clock P.M. Court convenes with the same officers present as this A.M.

And now the following stipulation by attorneys is filed with the Clerk of this Court, Viz:-

Supreme Court
County of Dakota
Farmers National Bank
of Fargo,
Respondent

vs.

R. M. Hammeren,
Appellant-

It is agreed and stipulated by and between the attorneys in the above entitled cause that the judgment in this cause shall control and that the same judgment shall be rendered in the following cases, viz:-

Farmers National Bank
of Fargo
Respondent

vs.

Peter R. Hammerette and
J. La Vonturette
Appellants

Farmers National Bank
of Fargo
Respondent

vs.

Joseph McMeans,
Appellant

Farmers National Bank
of Fargo
Respondent

vs.

R. Anderson,
Appellant

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11. U. States "Canal Bank" January Term 1875. Feb 1st Day of Term.
Thursday February 28th 1875

The First National Bank
of Lake
Plaintiff

Nils P. Nilsson
Defendant

First National Bank
of Lake
Respondent

Capt J. (P.) Nilsson
Defendant

And now this February 28th 1875
Parties this day in Court by
Atty for Plff, counsel
Peter L. Talley
Atty for Defendant

And thereupon 10 o'clock and thirty minutes A.M. this cause coming on further to be heard before this Court it is ordered that Court do adjourn until 9 o'clock A.M. Friday January 29th 1875

Attest

Geo. L. Zadel
Clerk

U. S. Supreme Court. January Term A.D. 1825. 10th Day of Term.

(Friday, February 25th 1825)

This day came the parties by their attorneys.

Present

His Honor C. C. Thurston Chief Justice presiding
" " J. P. Ridler Associate Justice
" " A. H. Barnes " "
Wm Pearce Esq. Att'y Gen'l
H. H. Burdick Att'y Interior
Geo. L. Foster Clerk
James Norman Bailiff

And now the following decisions are rendered by the Court and filed with the Clerk viz:-

In the Supreme Court
January Term 1825
January 29th

The Territory }
vs. }
George A. Hayden }

In this case, it is hereby ordered, that the judgment of the Court below be and the same is affirmed.

Chief Justice Thurston delivered the opinion of the Court.

In the Supreme Court
February Term 1825.
February 29th

The Territory }
of Indiana }
vs. }
R. M. Reasoner }

In this case, it is hereby ordered, that the judgment of the Court below be and the same is affirmed. And the Prosecuting Attorney is directed to issue execution in due form of law.

By the Court

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U. S. Supreme Court. January Term A.D. 1875. 10th day of June.
Friday January 29th 1875

Farmers National Bank
of Salem
vs.
Cook & Patton

In Supreme Court
January Term 1875.
January 29th

In this case, it is hereby ordered adjudged that the judgment of the Court below be and the same is affirmed with costs and that the cause is remitted to the Court for further proceedings in accordance with this decision

By the Court

In the Supreme Court
January Term 1875
January 29th

The Farmers National Bank
of Salem
vs.
L. Anderson

In this case, it is hereby ordered and adjudged that the judgment of the Court below, be and the same is affirmed with costs and that the cause is remitted to the Court for further proceedings, in accordance with this decision

By the Court

In the Supreme Court
January Term 1875
January 29th

The Farmers National Bank
of Salem
vs.
John R. Brodhead & Co
J.C. Brodhead

In this case, it is hereby ordered and adjudged that the judgment of the Court below, be and the same is affirmed with costs and that the cause is remitted to the Court for further proceedings, in accordance with this decision

By the Court

In the Supreme Court. January Term 1835. In Error from the Court of Common Pleas

In the Supreme Court
January Term 1835
January 29th

The Farmers National Bank of Salem
vs.
Joseph McClure

In this case, it is hereby ordered and adjudged that the judgment of the Court below, be and the same is affirmed. And the cause is remitted to the said Court for further proceedings, in accordance with this decision

By the Court

In the Supreme Court
January Term 1835
January 29th

Farmers National Bank of Salem
vs.
Nils G. Nilsen.

In this case, it is hereby ordered and adjudged that the judgment of the Court below, be and the same is affirmed. And the cause is remitted to the said Court for further proceedings, in accordance with this decision

By the Court

In the Supreme Court of Stark County
January Term A. D. 1835

C. L. B. Harris
Appellant
vs.
James D. Procter
Respondent

January 29th 1835. This cause having been heard on the record, on this day, the Supreme Court being fully advised in the premises,

It is ordered
[illegible]

H. S. Supreme Court. January Term A.D. 1875. 10th Day of Term.
Friday January 29th 1875.

the Judgement in the Court below, be and the same is in all things Affirmed.

And it is further ordered that after the Entry of Judgement in this Court, the said Judgement of this Court and proceedings herein be remitted to the District County Franklin County for such further proceedings therein according to law as shall be necessary and proper for the enforcement of this Judgement and the judgement of the District Court, in this action

By the Court

Franklin County
Respondent
vs.
Charles F. Rosteucher
Appellant

In Supreme Court Dakota Territory January Term A.D. 1875.

January 29th 1875. This cause having been brought on to be heard, in this Court, the same having been argued and submitted, by the Attorneys for the respective parties. And now this ninth day of January A.D. 1875. this Court having duly considered and determined that the judgement, in the Court below, be and the same is reversed. and a new trial ordered, And that the judgement Record and proceedings, in this Court be remitted to the district County Court Franklin County for such further proceedings according to law as shall be necessary and proper

By the Court

And now at 11 o'clock and fifteen minutes A.M. Court takes Recess

And now at 8 o'clock P.M. Court comes into the room Officers present as this date.

In the Supreme Court of Dakota Territory
January Term 1873.

And now to wit January 29th 1875.

The resignation of Geo. D Fuller Esqr late Clerk of this Court having been presented in open Court the same is ordered to be filed.

And it is further ordered that Benjamin S Williams Esqr. be, and he is hereby appointed Clerk of this Court. to fill the vacancy occasioned by said resignation — who after having been duly sworn and qualified according to Law — shall hold his said Office at the pleasure of this Court —

By the Court
P. C. Shannon Chief Justice

Territory of Dakota
County of Yankton } I Benjamin S Williams do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the function of any Office whatever under any authority or pretended authority in hostility to the United States; that I have never yielded a voluntary support to any pretended government authority, power or constitution within the United States hostile or inimical thereto —

And I do further swear that to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties of Clerk of the Supreme Court of Dakota Territory
So help me God

Benjamin S. Williams

Sworn to and Subscribed before me this 29th day of January AD 1875
in open Court
P. C. Shannon Chief Justice

11. 1. Supreme Court, January Term A.D. 1875. 15th Day of Term.
Friday January 29th 1875-

And now at 8 o'clock and fifteen minutes P.M. Court adjourns until 10 o'clock A.M. Saturday January 30th

Attest

Geo. I. Foster
Clerk

U. S. Supreme Court, January Term (1st Day) 1875. 11th Day of Term.
Saturday January 2nd 1875.

This day court met pursuant to adjournment at 10 o'clock A.M.
Present
His Honor P. C. Shannon Chief Justice presiding
" " J. P. Kidder Assoc'd "
" " A. H. Barnes " "
Wm Brunce Esq U.S. Attorney
L. W. Bundick U.S. Marshal
Geo. L. Foster Clerk
James Norman Bailiff

And now the following Judgment is rendered by this Court and filed with the Clerk viz:—

Supreme Court
Dakota Territory
vs.
Peter P. Winkenwerder

January Term, January 2nd 1875.

The defendant in this action having been convicted of manslaughter, in the first degree, at the April Term, in Yankton County District Court, in the year A.D. 1874. A writ of error having been duly sued out by the defendant, by which said action and all proceedings therein, were removed from said District Court, to this court, and a motion in arrest of Judgment having been duly made and entered herein, and after hearing Counsel for prosecution and defense, it is now here ordered adjudged and determined that said Judgment of Conviction of Peter P. Winkenwerder of manslaughter as aforesaid, be arrested and reversed.

And it is further ordered that said defendant be discharged from his said arrest, upon said Judgment and Conviction, and it is further ordered

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In Supreme Court January Term A.D. 1875. 11th Day of Jan.
Saturday January 30th 1875.

that said defendant be and he is hereby ordered into the custody of the Sheriff of the County of Yankton to abide by him & answer & any new Indictment which may be found against him in said District by the Grand Jury of said County.

By the Court

The People of the Territory of Dakota
vs.
Peter P. Winternuti
} In Supreme Court

Now comes the said Peter P. Winternuti in open Court in person and by Counsel and the prosecutor in this cause having been arrested by the order of said Supreme Court and the said Peter P. Winternuti being by said Court ordered & remanded to the custody of the Sheriff of Yankton County; now now applies to said Court for an order admitting him to bail for his appearance at the next Term of the District Court in and for the County of Yankton to answer any Indictment that may be found against him the said Peter P. Winternuti and now this his application upon and upon the Court & the Records and proceedings herein

January 30th 1875.

Lemon Amidon
Attys Counsel for said
Peter P. Winternuti

The within motion having been, this 30th day of January 1875; argued by the Counsel of the respective parties, it is hereby ordered and adjudged that the said Winternuti be admitted to bail.

Done in Open Court

And it is further ordered, that the amount of said bail be and it is hereby fixed at the sum of Forty Thousand Dollars; that the bail justify in accordance with law; and if this order is not complied with during this term of the court, the original of
the bond and undertaking to be given by

U. S. Supreme Court, January Term A.D. 1865. In Dup of Term.
Saturday January 21st 1865.

Territory of Dakota
Bond of Benjamin & Williams

Know all men by these presents! That we Benjamin & Williams of the City of Carleton and Ephriam Barnes and Giles S Woolley of the same City, in said Territory, are held and firmly bound to the United States of America in the sum of Three Thousand Dollars lawful money of the United States to be paid to the said United States; for the payment of which well and truly to be made, we bind ourselves and each of us, our and each of our heirs executors and administrators jointly and severally firmly by these presents. Sealed with our Seals and dated this 29th day of January, Anno Domini One Thousand Eight Hundred and Sixty five

Whereas the said Benjamin & Williams have been on the 29th day of January A.D 1865, appointed by the Hon Supreme Court Hon Chief Justice P. C. Spencer presiding as Clerk of the Supreme Court for the Territory of Dakota

Now the Condition of this Bond is such that if the said Benjamin & Williams shall faithfully discharge the duties of their Office and shall seasonably account for and pay over the moneys and effects that may come to their hands by virtue of their said Office and shall in all things well and truly perform the duties required of them by the laws of the Territory of Dakota then this obligation to be void otherwise to remain in full force and virtue

Benjamin & Williams
Giles S Woolley

Signed Sealed and delivered in presence of
P. C. Spencer

Territory of Dakota
County of Pembina

On this 29th day of January A.D. 1865 before me personally appeared Benjamin & Williams and Giles S Woolley to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed

P. C. Spencer
Chief Justice

Filed for record January 30th 1865 at 10 o'clock A.M.

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11. U. Supreme Court. Monday Term A.D. 1875. 11 Day of Jan.
Saturday January 30th 1875

of the said bond, and faithfully and heartily discharge, and perform all the duties of said Office, then this obligation to be void and void otherwise to be and remain in full force and virtue

In Witness whereof we have hereunto set our hands and seals the day and year as above Written

Signed and Sealed
in presence of
O.H. Carney
J.W. Goodell

Benjamin F. Williams Seal
Ephraim Miner Seal
Niles J. Woolley Seal

And now January 30th 1875,
the above bond being presented in open Court, and the above named Sureties appearing to be satisfactory the above bond is hereby approved

By the Court
P.C. Shannon Chief Justice

Territory of Dakota
Yankton County } Ss.

Be it known by these presents that we Benjamin F. Williams of the City of Yankton and Ephraim Miner and Niles J. Woolley of the same City in said Territory are held and firmly bound to the People of Dakota Territory in the sum of Two Hundred Dollars, lawful money of the United States. to be paid to the people of said Territory of Dakota; for the payment of which well and truly to be made we bind our heirs, executors and administrators jointly and severally by these presents, sealed with our seals and dated this 29th day of January A.D. Domini one thousand eight hundred and seventy five

Whereas the said Benjamin F. Williams having

U. S. Supreme Court, Territory of Dakota, ss. A. D. 1875. 11th Day of Term.
Saturday January 30th 1875.

been on the 29th day of January A D 1875. approved by the Hon Supreme Court, Hon Henry Putnam Chief Justice P. C. Shannon presiding as Clerk of the Supreme Court for the Territory of Dakota

His Bond is executed pursuant to the 9th Section of an act of Congress entitled. An Act to provide a Temporary Government for the Territory of Dakota &c &c approved March 2nd A D 1861. and also pursuant to the Act of Congress of 24th September A. D. 1873, relating to the Bonds to be given by Clerks of Courts, as also pursuant to the other laws appertaining to the same. and is conditioned that if the said Benjamin F Wilkinson shall faithfully discharge the duties of his said Office and shall seasonably record the decrees judgments and determinations of the said Court of which he is Clerk, and moreover that if he shall truly and faithfully enter and record all the orders decrees, judgments and proceedings of the said Court and faithfully and impartially discharge and perform all the duties of his said Office then this obligation to be void and of none effect otherwise to remain in full force and virtue.

In witness whereof we have hereunto set our hands and seals the day and year as above written

Signed and Sealed
in presence of
O. C. Downey
J. McGroarty

Benjamin F Wilkinson Seal
Alexander Miner Seal
Miles P Rooley Seal

And now January 30th 1875. the above bond being presented in open Court and the above named Sureties appearing to be satisfactory the above bond is hereby approved

By the Court
P. C. Shannon Chief Justice

And it is further ordered that said Benjamin F Wilkinson be instructed at length by the Court in the duties of his office and be furnished with a safe key fitting both the locks of Deeds of Hamilton County

By the Court
P. C. Shannon Chief Justice

And now at 12 oclock and 45 minutes the Board take a recess until 4 oclock P.M.

And now at 4 oclock the Board convenes and the following business is transacted

Steel
Petitioners
Clerk

U. S. Supreme Court, Yeates v. Yeates et al. Writ of Error.

Tuesday, June 22nd 1875.

The Hon Supreme Court for Dakota Territory met at the Court Room in the City of Yankton at 10 o'clock A.M. pursuant to law.

Present

His Honor P. C. Shannon Chief Justice presiding
" " E. G. Bennett Associate Justice
William Pound Esq. Att'y for Pltf in Error J. N. Goodell Esq. Att'y for Deft in Error
J. H. Benedict U. S. Marshall by his Deputy F. D. Hyman
B. S. Williams Clerk by his Deputy E. Pierce
A. E. Benedict Bailiff

Whereupon the following order was made

United States of America }
Territory of Dakota }

In Supreme Court Dakota

Office at Yankton. April 29th 1875.

I B. S. Williams Clerk of the Supreme Court of said Territory do hereby Certify that I have carefully compared the foregoing Transcript of Record in the case of Yeates et al vs Yeates et al and have made true and correct copy thereof and of the whole thereof as the same appears of record and on file in my office.

In Testimony Whereof I have hereunto set my hand and affixed the Seal of said Court at Yankton this 29th day of April A.D. 1875.

B. S. Williams
Clerk

(Seal)

In the Supreme Court of Dakota Territory
Held now June 22nd 1875. on the written
recommendation of the Clerk of this Court
Ordered that the foregoing Transcript by
Clerk of the said Court

By the Court
P. C. Shannon
Chief Justice

11 D. Territory Dakota vs. Geo. Francis et al. Ind. 1875. Filed 1st day of Jan.
Indictment Dec. 22. 1875.

Oath

I Solemnly swear that I will support the Constitution of the United States, and will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will faithfully discharge the duties of Deputy Clerk of the Supreme Court of Dakota Territory. and Seasonably record the decree Judgements, and determinations of the said Court. and that I will also well and faithfully discharge all the duties of the said Office on which I am about to enter

So help me God

E Shannon

Subscribed and sworn to before me this 20th day of July A.D. 1875

E Miner
Dep. Clerk

Now Here Chief Justice P. C. Shannon stated to the Court that he had received information from His Hon Judge Barnes stating that his Judicial duties at Fargo and also at Bismarck would prevent his attendance at the Supreme Court before the 20th of July A.D. 1875.

Whereupon His Honor Judge Shannon adjourned the Court until Tuesday the 20th day of July at 10 o'clock A.M.

Attest

E Miner
Dep. Clerk

U. S. Supreme Court.

A. D. 18 . Day of Term.

U. S. Supreme Court Dakota T. Term A.D. 1875. 2nd Day of Term.
Tuesday May 20th 1875

The Honorable Supreme Court for Dakota Territory met at the Court Room in the City of Yankton at 10 o'clock A.M. pursuant to adjournment

Present His Hon P. C. Shannon Chief Justice presiding
" A. C. Barnicott W. Shandrick

Whereupon the Bond of B. S. Williams Clerk of this Court was presented in open Court and certified to by Hon P. C. Shannon Chief Justice

Copy of Bond

Know all men by these presents

That we Benjamin S. Williams Isaac S. Williams, Ephraim Briner and James H. Burdick of the Town of Yankton, in the Territory of Dakota are held and firmly bound unto the United States of America in the Sum of Ten Thousand Dollars, lawful money of the United States, to be paid to the United States; for which payment well and truly to be made, we bind ourselves our heirs, executors, and administrators, jointly and severally, firmly by these presents. Signed with our hands and sealed with our seals this Seventeenth day of July 1875,

The conditions of the above obligation is such.

appointed

Whereas, pursuant to law, Benjamin S. Williams has been Clerk of the Supreme Court of the United States for the Territory of Dakota, to have and to hold the same with all the rights, privileges, and emoluments thereunto law fully appertaining, as by an appointment bearing date the 29th day of January 1875: more fully appears, a certified Copy of which is hereunto annexed

Now if the said Benjamin S. Williams by himself and by his Deputies shall faithfully discharge the duties of his Office, and seasonably keep the records, proceedings and determinations of the said Court, and properly account for all moneys coming into his hands, as required by law, then this obligation to be void; otherwise to remain in full force and virtue

Signed Sealed and delivered
in presence of
Orrin Woodard
A. J. Searle

Benjamin S. Williams
Isaac S. Williams
Ephraim Briner
James H. Burdick

U. S. Supreme Court, Dakota Territory, A.D. 1875. Day of Term.

United States of America }
Territory of Dakota } ss. I Isaac I Williams, one of the sureties on the annexed Bond, being duly sworn, depose and say that I am worth, after paying my just debts, the sum of Three Thousand dollars, exclusive of property exempt from execution by the laws of the Territory in which I reside

Isaac I Williams

Subscribed and Sworn to before me, this 17th day of July A.D. 1875.

A. J. Faulkner Clerk of 2nd Jud. Dist. Terr. D.T.

United States of America }
Territory of Dakota } ss. I Ephraim Brown one of the sureties on the annexed bond, being duly sworn, depose and say that I am worth, after paying my just debts, the sum of Four Hundred Dollars, exclusive of property exempt from execution by the laws of the Territory in which I reside

Ephraim Brown

Subscribed and Sworn to before me, this 17th day of July A.D. 1875.

A. J. Faulkner Clerk 2nd Jud. Dist. Terr. D.T.

United States of America }
Territory of Dakota } ss. I James H. Burdick one of the sureties on the annexed bond, being duly sworn depose and say that I am worth, after paying my just debts, the sum of four Hundred dollars, exclusive of property exempt from execution by the laws of the Territory in which I reside James H. Burdick

Subscribed and Sworn to before me, this 17th day of July A.D. 1875.

A. J. Faulkner Clerk 2nd Jud. Dist. Terr. D.T.

I certify that the Sureties in the foregoing bond are sufficient for the penalty thereof. July 20th 1875

P. C. Shannon Chief Justice of Supreme Court D.T.

Filed, record 11 o'clock A.M. Official Justice H. H. Barnes and E. L. Barnett being absent the bond is approved, and the sureties examined 9 o'clock.

Wm. B. Williams Clerk

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11 ... [illegible] ... 1875. [illegible]

[illegible]

[illegible] Term. [illegible]

Bailiff
C. E. Bonnelett
Daniel In Frost Etal
Appellants
vs
Stephen Flick Treasurer
of Jefferson County
} Appeal from Jefferson County

This cause being brought on for hearing. It is argued by C. J. B. Harris Esqr for Appellants — And now at 12 M the Court takes a recess until 2 o'clock This P. M.

And now at 2 o'clock P. M. the Court comes with the same officers present as This A. M.

Whereupon G. C. Moody Esqr argues in behalf of Respondents in the above cause.

And now this 21st day of July A.D. 1875. It is ordered and adjudged in this cause that the Judgment of the Court below be and the same is affirmed and opinion to be filed

By the Court

United States
vs
James Scott
} Appeal from 2nd Judicial Dist

After argument of the above cause by Oliver Thomson Esqr for the Appellant. U.S. Attorney Wm Pearce Esqr submitted it to the Court without argument

Whereupon it is ordered and adjudged that the Judgment of the Court below be and the same is affirmed

By the Court

Attest
B. S. Williams
Clerk

U. S. Supreme Court. Second Term. Oct. 1875. 3rd Day of Term.

Wednesday July 21st A.D. 1875

Silas F. Rowntree
vs
S. A. Bentley
Respondent
Appellant

Filed now July 21st, 1875. this cause coming on to be heard, on motion of Samuel A. Bentley Esqr. the appellant this appeal is dismissed, and judgment is now rendered here against the said Samuel A. Bentley for costs, and the Record is remitted to the said District Court of Yazoo County, with directions to proceed to enforce the judgment there according to law.

By the Court
P. H. Shannon Chief Justice

Attest
B. L. Williams
Cler K

B. E. Wood. Trals
vs
A. J. Baugvalch
Respondent
} Appeal from Bentonia County

July 21st 1875. Counsel for Respondent suggest a diminution of the Records. in this, that the answer has not been returned with the Record. This fact admitted by appellants Counsel and by consent. cause continued until December Term next. — Leave day Counsel of Respondent moves for a certiorari or order requiring the Clerk of the Court below to perfect said record. etc

And now at 6 o'clock and 30 minutes P.M. this Court is adjourned until 10 o'clock A.M. on Tuesday Oct 19th A.D. 1875.

Attest
B. L. Williams
Cler K

By the Court

Monday Oct 19th 1874.

This day Court met pursuant to adjournment at the Court House in the City of Fredericton, York County N.B. at 10 oclock A.M.

Present

His Honor

P. C. Shannon Chief Justice
Wm Pugsley Esqr. Atty General
J. H. Barker Sheriff
B. S. Williams Clerk
E. E. Beckwith Bailiff

B. D. Ward Esqrs
Counsel
for
A. P. Barry Sole
Respondent

Appeal from
Bear Harbour County

On this cause the Counsel for respondent calls the attention of the Court to the fact, that the records are incomplete.

Whereupon it is ordered by His Honor Justice P. C. Shannon that the Clerk of this Court Have a Writ Certiorari to the Clerk of the District Court of Bear Harbour County & therefrom bring said records

And hour at 10 oclock and 30 minutes A.M. this Court is adjourned without day.

Attest B S Williams
Clerk

P C Shannon
Chief Justice

M. St. Inferieure Canal. 1851. Bay of Tom.

11 Supreme Court Records Term of A.D. 1875. 14th Day of Jan.

Tuesday December 14th A.D. 1875.

This day, to Wit: the 14th day of December A.D. 1875. The Supreme Court of the Territory of Dakota, met pursuant to law, at the usual room in the City of Yanktown the Capital of said Territory at 10 o'clock A.M. with the following officers present to Wit:

His Honor

P. C. Shannon Chief Justice Presiding

His Hon A H Barnes Associate Justice

G G Bennett

"William Pound Esqr U S Attorney

J H. Benedict Esqr U S Marshal

B S Williams Clerk

Bailiffs

L P Echumacher

L E Bonsdick

The Court being duly opened.

Now comes Bartlett Tripp Esqr. and moves the Court that Samuel W Packard Esqr of Jamestown, Stutsman County be admitted to practice as an Attorney in this Court

Whereupon the said Samuel W Packard appearing at the Bar and being duly sworn by His Honor P C Shannon Chief Justice. He is admitted to practice in the Supreme Court of Dakota Territory

B E Wood et als
Appellants
vs
A. P. Barnes
Respondents

} Appeal from Burleigh County.

The above entitled cause being brought on for hearing. Now comes B. Tripp Esqr with his argument in behalf of appellants

And now at 12 o'clock M the Court takes a recess until 1 o'clock and 30 minutes this P.M.

And now at 1 o'clock and 30 minutes the Court convenes with the same officers present as this A.M.

Whereupon Bartlett Tripp Esqr continues his argument for appellant until 2 o'clock this P.M.

Continued

And now at 2 oclock P.M. S.L. Pinckney Esq proceeds with his argument in behalf of Respondents until 3 oclock and 30 minutes

And now comes S.L. Pinckney Esq with argument for respondents

And now at 4 oclock and 30 minutes comes Bartlett Tripp Esq with his closing argument

The Court desiring time to consult no decision is filed in the above entitled cause

William Vose Esq
Appellant
vs
William H Holt
Respondent

} Appeal from Minnehaha County

And now at 5 oclock P.M. this cause being brought on to be heard Samuel W Packard Esq comes with argument in behalf of Appellants

And now at 5 oclock and 40 minutes this Court is adjourned until 9 oclock tomorrow morning.

Attest

B S Wilkins
Clerk

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11. 11. Supreme Court, December Term. A.D. 1875. 2nd Day of Term.
Wednesday December 15th

This day 10th A. December 15th 1875.
Court met pursuant to adjournment at 9 o'clock A.M.

Present His Honor O.L. Sherman Chief Justice
" " " A.H. Bunn Associate
" " " S.S. Benedict "
" " William Pennel Esq. U.S. Attorney
" " O.H. Benedict " U.S. Marshal
" " B.F. Williams Clerk

Bailiff
L.P. Edmunds
L.T. Benedict

William Van Epps
Appellant
vs
Joseph Hall
Respondent
} Appeal from Minnehaha County

The Court being duly opened Hon. Jerome S. Packard Esq. and Col. Williams his assignment for Appellant

And now at 12 o'clock and 30 minutes Court takes a recess until 2 o'clock this P.M.

And now at 2 o'clock P.M. Court comes with the same Officers present as this A.M.

Samuel W. Packard continuing his argument for Appellant

And now at 4 o'clock P.M. Comes Indiana Grigsby Esq. with argument for Respondent

And now at 5 o'clock comes Bartlett Tripp Esq. with closing argument in the above entitled cause

The Court desiring time to consider the decision is filed

And now at 6 o'clock P.M. This Court is adjourned until 9 o'clock to-morrow morning

B.F. Williams
Clerk

Filed

N. D. Supreme Court, December Term A.D. 1893. 3rd Day of Term.
Thursday December 16th

This day Court met pursuant to adjournment at 9 o'clock A.M.
Present His Honor P.C. Shannon Chief Justice
" " " A.H. Barnes Associate
" " " G.G. Bennett "
William Powell Esqr U.S. Attorney
J.H. Bradrick " U.S. Marshal
B.S. Williams Clerk
Bailiff
C.P. Edwards
C.P. Bradrick

The Court being duly opened. S.L. Spaith Esqr moves the Court that S.H. Gruber Esqr of Grafton Grafton be admitted to practice as an attorney in this Court

Whereupon the said S.H. Gruber Esqr. appearing at the Bar and being duly sworn by His Honor P.C. Shannon Chief Justice. he is admitted to practice in the Supreme Court of Dakota Territory

C.A. Sanders and A. Sanders vs Michael Reister } Appeal from Grafton County

Now comes G.C. Moody Esqr with argument for Appellants in the above entitled cause.

And now at 12 o'clock and 20 minutes P.M. this Court takes a recess until 2 o'clock this P.M.

And now at 2 o'clock Court comes with the same Officers present at this P.M. G.C. Moody Esqr continuing his argument for appellant

And now at 6 o'clock P.M. this Court is adjourned until 9 o'clock tomorrow morning.

Attest B.S. Williams Clerk

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11. U. Supreme Court December Term A.D. 1875. 4th Day of Jan.
Friday December 17

This day Court met pursuant to adjournment at 9 oclock A.M.

Present Hon Hiram P. Stevenson Chief Justice
" " " A.H. Barnes Associate
" " " G.G. Bennett "
" William Pownall Esqr U.S. Attorney
J.H. Benedict " U.S. Marshal
B.S. Williams Clerk

Bailiffs
L.P. Simmons
L.P. Benedict

L.A. Sanders and Anna Sanders vs Michael Reister } Appeal from Jamestown County

This Court being duly opened now comes G.L. Moody Esqr and Continues his argument for appellants in the above entitled cause

And now at 12 oclock M. Court takes a recess until 1 oclock and 2d minutes this P.M.

And now at 1 oclock and 2d minutes Court convenes and the same Officers present as this A.M.

Supreme Court
Dakota Territory } In the Supreme Court for said Territory at a term thereof begun and held at Jamestown on the fourteenth day of December A.D. 1875.

Present Honorable P.L. Stevenson A.H. Barnes and G.G. Bennett Judges. The following order was made and entered of record. to wit:

Whereas Jerry H. Benedict United States Marshal has rendered to this Court an account of his fees and disbursements at and previous to the adjourned June Term A.D. 1875. of Said Court of the Supreme Court, duly sworn and item thereof. and in presence of William Pownall Esqr United States attorney has approved on oath to the Satisfaction of the Court that the Service and Travel therein charged.

U. S. Supreme Court, December Term A.D. 1873. A.D. City of Ft. Wm.

Continued

has been actually and necessarily performed as therein stated and that the disbursements charged has been fully paid in lawful money; and otherwise said charges appear to be just and according to law.

It is hereby ordered that the said accounts amounting to Thirty Seven dollars and Ninety four cents, be and the same is hereby approved

P. H. Drummond
Chief Justice

Chas A. Sanders and
Anna Sanders
vs
Michael Reister

} Appeal from
Jackson County

Now comes J. H. Gardner Esqr and makes argument for respondent in the above entitled cause.

And now at 4 o'clock comes J. L. Spencer Esqr and also argument for respondent in the above entitled cause.

And now at 6 o'clock P.M. this Court is adjourned until 9 o'clock tomorrow morning

Attest B. S. Williams
Clerk

15-2

At a Superior Court of Law & Eq. held for the County of Lenoir on the 2nd Day of Jan. 1875.

Tuesday December 18th

This day Court met pursuant to adjournment at 9 o'clock A. M.

Present His Honor Pl Shannon Chief Justice
" " " A. H. Barnes Assist
" " " G. G. Bennett "
" " Wm Rand Esqr W S Attorney
" H. Bonitt " W S Marshal
" B. S. Williams Clerk "

Benj Huff
& Pl Edwards
& P Bonitt

Silas A Sanders and Anna Sanders vs Michael Reister } Appeal from Jonesboro Township

Now comes S. L. Spruill Esqr arguing for Respondent until 12 o'clock M.

The Court being duly opened

And now comes L. L. Woody Esqr with the closing argument in behalf of appellant in the above entitled cause

And now at 1 o'clock & 20 minutes Court is adjourned until Monday the 20th Inst at 9 o'clock A. M.

Attest B. S. Williams
Clerk

This day Court met pursuant to adjournment at 9 o'clock A.M.

Present His Honor P.C. Sherman Chief Justice Presiding
" " " A.H. Barnes Associate
" " " G.G. Bennett "
" " Wilhem Connel Esqr Dist Attorney
J.H. Benedict " U.S. Marshal
Bailiffs B.S. Wilkins Clerk
C.P. Edmunds
C.L. Benedict

The Court being duly opened, the following order was made

Supreme Court
Dakota Territory

In the Supreme Court for said Territory at a term thereof begun and held at Yankton on the fourteenth day of December 1873. Present: The Honorable, P.C. Sherman A.H. Barnes and G.G. Bennett Judges. the following order was made and entered of record D.W.T.:

Whereas, James H. Benedict, United States Marshal, has rendered to this Court an account of his fees and disbursements at and previous to the December Term 1873 of the Supreme Court, with the vouchers and items thereof, and in presence of Wilhem Connel Esqr. United States attorney, has proved on oath: to the satisfaction of this Court, that the services and travel therein charged, have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and Whereas said charges appear to be just and according to law

It is hereby ordered that the said account, amounting to Seventy seven dollars and Eighty four cents, be and the same is hereby allowed

P.C. Sherman
Chief Justice

11. U. Supreme Court. December Term A.D. 1875. 6th Day of Jan.

Continued

Whereas Wm Pound United States attorney has rendered to this Court an account for his services at the December Term of the Supreme Court with the items thereof, and was sworn on oath, to the Satisfaction of the Court that the services therein charged have been actually and necessarily performed, and whereas said charges appear to be just and according to Law.

It is Hereby ordered by this Court that said accounting amounting to Sixty Dollars, be and the same is hereby allowed

By the Court
P C Shannon
Chief Justice

Dated in open Court
20th December 1875.

In the Supreme Court of Dakota Territory, at a Term thereof begun and held at Yankton on the fourteenth day of December A.D. 1875. Present, the Honorable P.C. Shannon A.H. Barnes and S.G. Bennett Judges. the following order was made and entered of Record viz:

Whereas B S Williams late Clerk of the Supreme Court has rendered to this Court an account of his fees at and previous to the December Term A.D. 1875. of Yankton, of the Supreme Court with the vouchers and items thereof and in favor of William Pound Esq United States Attorney, has proved, on oath, to the Satisfaction of the Court, that the services therein charged, have been actually and necessarily performed as therein stated. and Whereas said charges appear to be just and according to law

It is hereby ordered that the said account amounting to Eight Sixty Dollars and Ninety Cents be and the same is hereby approved.

By the Court
P.C. Shannon
Chief Justice

Dated this 20th of Dec 1875.

Adm

Said now term being no further business before the Court it is adjourned until Tuesday the 1st day of February A.D. 1876

B S Williams
Clerk

U. S. Supreme Court, December Term A. D. 1875. 7th Day of Term.

Tuesday February 1st 1876.

This day to Wit Feb 1st 1876. The Supreme Court for the Territory of Dakota. Met pursuant to adjournment at the Court Room in the City of Yankton at 10 o Clock A.M. with the following Officers present to Wit

His Honor P. C. Shannon Chief Justice Presiding
" " G. G. Bennett Associate
J. H. Burdick U. S. Marshal
B. S. Williams Clerk

Bailiff
C. P. Edmunds
C. E. Burdick

The Court being duly opened the following proceedings were had

United States
vs
James Scott } Writ of Habeas Corpus

Opinion was delivered and filed by Honorable P. C. Shannon Chief Justice. The Writ is Quashed.

And now there being no further business this Court is adjourned until (Wednesday) the first day of March A.D. 1876.

Attest B S Williams
Clerk

By the Court

5c

11 Supreme Court Session Commenced Oct. 1875. 8th Day of Term.

Bismarck March 1st 1876.

This day Court met at the Court Room in the City of Bismarck at 10 oclock A.M. pursuant to adjournment with the following Officers present.

Hon Hamon S. Shannon Chief Justice Presiding
" A. H. Barnes Associate
" G. G. Bennett "
Williams Powell Esqr U.S. Attorney by J.M. Gaudle Esqr
J. H. Bradrick U.S. Marshal
B. S. Williams Clerk

Bailiffs
L.P. Edmunds
L.E. Bradrick

The Court being duly opened the following proceedings were had.

The People of the Territory of Dakota
vs
Respondent
} Appeal from Burleigh County

David F. Odell
Appellant

The above entitled cause being called S.A. Moody Esqr one of the Attorneys for Appellants. Proceeds to direct to the Court the Transcript and proceedings of the Court below.

Comes S.L. Spaulding Esqr now at 11 oclock and 30 minutes, one of the Attorney for Appellants and proceeds with his argument.

Court now at 12 oclock and 45 minutes this Court is adjourned until 9 oclock to morrow morning

U. S. Supreme Court. December Term A.D. 1875. 3rd Day of Term.

Thursday March 2nd 1876.

This day Court met pursuant to adjournment at 9 oclock A M with the following Officers present

His Honor O. C. Shannon Chief Justice Presiding
" " A H Barnes Associate
" " G. G. Bennett
Wm Pound Esqr by J R Gamble
J H. Benedict W S Marshal
B S Williams Clerk
C. P. Edmunds Bailiff
C E Benedict "

The People of the Territory of Dakota Respondents
vs
Orris F Odell
Appellants
} Appeal from Jamestown County

Now comes S S Spink Esqr and proceeds with argument in behalf of the Appellant

And now at 11 oclock and 30 minutes comes S H Gruber Esqr one of the Attorney for Appellants and proceeds with his argument

And now at 12 oclock M he comes J R Gamble Esqr Dist Attorney with opening argument in behalf of the People of the Territory of Dakota.

And now at 12 oclock and 30 minutes P M the Court takes a recess until 2 oclock this P M.

And now at 2 oclock P M the Court comes with the same Officers present as this A M.

Now comes J R Gamble Esqr & continues his argument in behalf of the People of the Territory of Dakota

And now at 4 oclock and 30 minutes P. M. Court is adjourned until 9 oclock tomorrow morning

U. S. Supreme Court. Decembr Term A.D. 1875. 10th Day of Jan. Friday March 3rd 1876.

This day Court met at 9 oclock A.M. pursuant to adjournment, with following Officers present

Hon Jerom [redacted]

" P C Shannon Chief Justice Presiding
" " A H Barnes Aporcate
" " G G Bennett
" Wm Pound U.S. Attorney by J R Gamble Esqr
J H Benedict W S Bradbury
B S Williams Clerk
C P Edmunds Bailiff
C E Burchett "

The People of the Territory of Dakota
vs
Orris F. Odell
} Appeal from Yankton Co

And now comes J R. Gamble Esqr and proceeds with argument in behalf of the People

And now at 11 oclock comes H. Inwoody Esqr with the closing argument in behalf of the appellant Orris F Odell.

And now at 12 oclock and 30 minutes Court take a recess until 2 oclock this P. M.

And now at 2 oclock Court comes with the Same Officers present at this P M.

John Sweeney
vs
Fred. Schmauder et
Jacob Stahl
} Appeal from Yankton Co

Now comes G C Moody Esqr with opening argument in behalf of the Appellant

And now at 5 oclock P M Court is adjourned until 9 oclock to-morrow morning

U. S. Supreme Court, December Term A.D. 1875. 11 Day of Term.

Saturday March 4th 1876

This day Court met pursuant to adjournment at 9 oclock A.M. with the following Officers present

His Honor S.C. Shannon Chief Justice Presiding
" " A.H. Barnes Associate "
" " G.G. Bennett " "
" Wm Pound U.S. Attorney by J.C. Gwynn
J.H. Benedict U.S. Marshal
B.S. Williams Clerk

Bailiffs
C.C. Edmunds
L.L. Benedict

Chas A. Sanders and James Sanders Respts vs Michael Reister Appellant } Appeal from Jefferson Co

In the above entitled cause the opinion was duly delivered and filed by Honorable G.G. Bennett Associate Justice. Judgment of the Court below is affirmed

B.E. Wood et al vs A.L. Barnes Respondent } Appeal from Bourbon Co

In the above entitled cause the opinion was duly delivered and filed by Honorable A.H. Barnes Associate Justice.

We are therefore unanimously of the opinion that so much of the preliminary injunction as remains in force, should be dissolved, and that this action be dismissed. It is accordingly ordered, adjudged and decreed that said injunction be dissolved, and the action dismissed, at the proper costs of the Appellant; and the Court below is directed to take such further proceedings in the premises as may be required by law.

And now at 11 oclock and 40 min. A.M. this Court is adjourned under 9 oclock Monday Morning.

U. S. Supreme Court. December Term A.D. 1875. 12th Day of Term. Monday March 6th 1876.

This day S Wt. March 6th A.D 1876.
Court met at 9 o'clock A.M. pursuant to adjournment. With the following Officers present, Viz

P. C. Thornton Chief Justice Presiding
A. H. Barnes Associate
" G. G. Bennett "
" Wm. Pannell W. attorney J. R. Jennett Assistant
J. H. Burchett W. L. Marshall
B. S. Wilhelm Clerk
Bailiffs C. P. Edmunds & C. E. Burchett

John Treadway
U. S. Appellant
Fred Schaefer as
Treas. Pt. al
Respondent

} Appeal from Jones County

And now comes G. C. Moody Esqr and proceeds with his argument in behalf of Appellant

And now at 12 o'clock and 45 minutes the Court takes a recess until 2 o'clock This P. M.

At 2 o'clock P M Court convenes with the same Officers present as this A.M. Whereupon G. C. Moody Esqr proceeds and concludes his opening argument

And now at 4 o'clock and 30 minutes comes H. H. Guerrant Esqr District Attorney for Jones County appearing in behalf of Fred Schaefer Etals (as Treas) the Respondent in the above entitled cause

And now at 5 o'clock and 30 minutes this Court is adjourned until 9 o'clock to-morrow morning

This day to Wit March 6th A.D. 1876
Court met at 9 oclock A.M. pursuant to adjournment with the following Officers present. to Wit:

Hon P. P. Shannon Chief Justice Presiding
" A. H. Barnes Associate
" G. G. Bennett "
Wm Pannel U.S Attorney by J. R. Gamble Assistant
J. H. Benedict U.S Marshal
P. S. Williams Clerk
Rob. P. Edmunds & C. D. Benedict Bailiffs

John A. Treadway vs Appl. Pl.
Fred Schaumber as Sheriff Resp.dent } Appeal from Jefferson

Ans Court being duly opened Noir comes J. R. Gamble Esqr with his closing argument in behalf of Respondent

And now at 10 oclock and 30 minutes by request of the Court comes Oliver Shannon Esqr Attorney for plaintiff in this suit now pending in District Court of Jefferson County on the behalf of said Bonds. with argument supporting the validity of the said Bonds issued in aid of the Dakota Southern R.R.

And now at 11 oclock comes A. C. Beardsley Esqr. with closing argument in behalf of appellant.

And now at 12 oclock & 15 minutes Court takes a recess till 2 oclock this P.M.

And now at 2 oclock P.M. Court comes with the same Officers present as this A.M.

Wilhelm C. Dole Appl. vs Walter A. Burleigh Resp.t } Appeal from Clay County

And now comes J. R. Gamble Esqr Attorney for appellant and proceeds with his argument.

And now at 4 oclock comes A. C. Beardsley Esqr Attorney for Respondent and proceeds with his argument

And now at 6 oclock Court is adjourned until 9 oclock Tomorrow morning

11. S Supreme Court. December Term A.D. 1875. 14th Day of Term.

Wednesday March 8th 1876

Thursday 9th March 1876

Court met at 9 o'clock A.M. pursuant to adjournment. with the following Officers Present

Hon.

P.C. Shannon Chief Justice Presiding
A.H. Bonner Assistant
G.G. Bennett "
Wm. Pound U.S. Attorney by J.R. Gamble Assistant
J.H. Bancroft W.J. Breathat
B.S. Williams Sheriff
C.P. Edmunds and C.B. Bancroft Bailiffs

The Court being duly opened the following Opinions were filed

W.H. Holt
vs.
Wilkins Van Pelt
Appellant

} Appeal from Minnehaha Co

In the above entitled cause the Opinion was duly delivered and filed by the Honorable P.C. Shannon Chief Justice. of which opinion the following is the conclusion.

As therefore in this case the Verdict is defective in Substance, the judgment of the District Court is reversed and a new Trial Awarded.

The People of the Territory of Dakota Respondents
vs
Orris F. Odell
Appellant

} Appeal from Yankton County

In the above entitled cause the opinion was duly delivered and filed by Honorable G.G. Bennett Associate Justice
For the Reasons pointed out in said Opinion the judgment of the Court below must be Reversed and the Cause Remanded for a new Trial.

U. S. Supreme Court. December Term A.D. 1875. 4th Day of Term.
Continued.

John Sneadsburg
vs Appt
Fred Schenker as Treas
&c all Respondents
} Appeal from Stanislaus County

And now comes Oliver Shannon Esqr presenting authorities and asks leave to file the following motion

And now March 8th 1876 comes Oliver Shannon of Counsel for the first National Bank of Brunswick, Maine, & Nine others, Plffs in action in the District Court, in case a decree should be made enjoining the County Treasurer from Collecting Real taxes, upon which the said securities bonds are hypothecated, for leave to apply to this Court to reserve the liberty to alter the decree in the cause as to them.

Oliver Shannon of Counsel for first Nat'l Bank & others

William P. Dole
vs Appt.
Walter A. Burleigh
Respondent
} Appeal from Tolay Co

And now comes J. P. Garoutte Esqr with his closing argument in behalf of Appellant in the above entitled cause

E Mc. Bond
vs
Shorlin & Lane
} Appeal from Tolay County.

And now comes Alexander Henshaw Esqr with argument and Statement of Cause of Action

And now at 12 o'clock & 30 minutes P.M. Court takes a recess until 2 o'clock this P.M.

And now at 2 o'clock P.M. the Court resumes its session, the same Officers present as this A.M.

[illegible]

[illegible] Edgar and James
[illegible] the State of Georgia of Sundries to
[illegible] of Troubles at the Battery in said County
[illegible] the said Sixteen of Carrie offering
[illegible] Testimony duly sworn by Mrs. Mary
[illegible] Statement Deposition. He is acquainted as
[illegible] before the Land Defenses Court of
[illegible] Testimony

[illegible]
[illegible]
[illegible]) refused from Ashley County
[illegible]
[illegible])

[illegible] and Edgar Hayes
and proceeds with his agreement in Behalf
of the Defendant

[illegible] and on the 3 day of [illegible] 80 came
into Court Henrietta Hughes and proceeds with his
Agreement in Behalf of Defendant

And now on Mr Hughes Agr Close the
Agreement

And now on 3 day of [illegible] 80 Plaintiff
with his Counsel in Defendant counter & closed
Testimony Returning

1. Supreme Court Convened pursuant to
Constitution & Laws of the State

Hon Chas. Govan Chief Justice
Court met at Jackson & was opened in due form
Present All the following Officers present:

Hon P.H. Thompson Chief Justice Presiding
" A.H. Barnes Associate
" Wm Yerger & Robert J. Walker Associate Justices
" J. H. Bradley & Wm L. Miller
B.A. Pittman Clerk
E.P. Chamberlain Asst. & Deputy Reporter

The Court being duly opened the following order was made.
In the Supreme Court of Mississippi Monday after January Term A.D. 1875. Present Hon Chas. Govan P.H. Thompson and A.H. Barnes Justices the following order was made and entered of Record to wit:

Whereas B.A. Pittman Clerk of the Supreme Court has resigned his office and whereas a vacancy exists in the Office of Clerk of the Supreme Court and the Governor has appointed Wm. L. Miller to fill said vacancy. And whereas the said Wm. L. Miller has this day appeared in Court and taken the oath of office and entered into bond with sureties as required by law. It is therefore ordered that the said Wm. L. Miller be and he is hereby appointed Clerk of the Supreme Court of Mississippi and that he enter upon the discharge of the duties of his office.

By the Court

P.H. Thompson Chief Justice

E.P. Chamberlain Official Reporter

The following order was made by Hon P.H. Thompson Chief Justice, Hon. Wm Yerger Associate Justice, which was ordered to be entered on the Minutes of the Court.

[illegible]

Ke

11. S. Supreme Court. Records Term C.J.D. 1875. 16th Day of Term.

Friday April 7th 1876

This day. 7th Inst. April 7th 1876.
Court met at the Court House in the City of Fredericton at 10 oclock A.M. pursuant to adjournment with the following Officers present

His Honor P.C. Shannon Chief Justice presiding
J.H. Benedict by C.P. Edwards Deft. U.S. Mr.
B.S. Williams Clerk
Bailiff C.E. Benedict
E.M. Bond Or. Charlton & Sons } The Court being duly opened. The following case was called and opinion was duly delivered by Honorable P.C. Shannon Chief Justice

And now the following case

Wm P Dole
Vs
Walter A Burleigh

} Appeal from Chancery Div

In the above entitled cause the opinion was delivered by Hon A.H. Bains Assist Justice and read in open Court by Hon P.C. Shannon Chief Justice

The following is the Judgment of the Court

The Judgment of the Court below is reversed and a new trial ordered and the cause remanded for further proceedings according to law.
All the Judges Concurring.
By the Court P.C. Shannon Chief Justice

There appearing to be no further business the Court is adjourned until 10 oclock A.M. on Wednesday the 26th day of April A.D. 1876

Attest B.S. Williams Clerk

U. S. Supreme Court.

October Term, 18 .

11. "Supreme Court. Dakota. Term of A.D. 1875. 17th Day of Term.
Wednesday April 26th 1876.

This day Court met at the Court House in the City of Yankton. at 10 oclock A.M. pursuant to adjournment with the following officers present.

Hon P. C. Shannon Chief Justic
" A. H. Barnes Associat
" G. G. Bennett "
Wm Pound U.S. Attorney
J. H. Burdick U.S. Marshal
B. L. Williams Clerk
P. P. Edmunds & C. C. Burdick Bailiffs

The Court being duly opened. the following Rules of the Supreme Court for Dakota Territory were read and published in open Court this 26th day of April 1876.

Rule 1

The Clerk of this Court shall reside, and keep the office, at the Seat of Government, and he shall not practice as an attorney or Counselor in this Court or any other Court while he shall continue to be Clerk of this Court.

Rule 2.

He Shall Keep a complete record of all proceedings of this Court. and shall perform all the duties pertaining to this Office. He must not allow any Written opinion of the Court. or any original record or paper, pertaining to his office to be taken therefrom without an order from the Court or one of the Judges thereof. He shall promptly announce by letter any decision rendered, to one of the attorneys of each Side. When such attorney are residing at Yankton upon the Court.

Rule 3

Before the papers in any Cause shall be filed the party filing the Same Shall pay to the Clerk five dollars to apply on his Costs therein.

Rule 4

The notice of appeal shall be served in the same manner as now provided for the service of summons, and if not served fifteen days before the first day of the next succeeding term of the Supreme Court the cause shall not be then heard unless the appellee shall give appellant ten days before the term notice that he will insist on a hearing at such term, in which event the same shall be heard at such term, unless continued upon a sufficient showing.

Rule 5

All criminal causes shall be placed first on the Calendar in the order of their filing, and shall have precedence of all other business, and shall be tried at the term at which ~~the issue is joined~~ the transcript is filed, unless continued, and shall, if practicable, be decided at the same term, and the precedence of the defendant in the Supreme Court shall in no case be necessary unless specially ordered by the Court.

Rule 6

All civil causes shall be docketed by the Clerk in the order of their filing, and shall (with the Criminal Cases) be numbered consecutively from term to term as one continued series; and no civil cause shall be placed on the calendar after the day preceding the opening of the Court, unless ordered by the Court.

Rule 7

Not less than five days before the first day of the term at which any cause may be heard, the attorney for the appellant or plaintiff in error shall serve upon the attorney of the adverse party one copy of the argument, brief, and of the consecutive pages of the argument, shall furnish a copy of the case to each of the Justices; and each party shall at the same time furnish to each of the Justices and to the Clerk a copy of his brief. The appellee, or defendant in error, shall also furnish a copy of his brief. If the Counsel of the several parties

Rule 8.

The case shall consist of a certified copy of the notice of appeal and of the pleadings and record, or, if the appeal be from an order or any part thereof, a certified copy of such order and the papers upon which the order was granted, together with a assignment of errors and the brief shall contain a statement of the points relied on and the authorities to be cited in support of the same.

Rule 9

An assignment of error need follow no stated form, but must, in a way as specific as the case will allow, point out the very error objected to. Among several points in a decree or in a motion, or instructions or rulings in an exception it must designate which is relied on as error and the Court will only regard errors which are assigned with the required exactness.

Rule 10

All motions, made or submitted to the Court, shall be in writing, accompanied by the affidavit or papers upon which the same are based, copies of which shall be served on the adverse attorney, and shall not be heard until the day following the service thereof, unless the cause is sooner reached for hearing.

Rule 11

Service of all papers required by these rules (except notice of appeal) may be made by delivering a copy of the same to the adverse attorney, or by leaving the same in his office during usual office hours, or by mail, but when service by mail double the time fixed shall be allowed.

Rule 12

All petitions for a rehearing shall be filed within thirty days after the filing of the opinion of the Court, and a copy of such petition shall be served on the attorneys of the adverse party

Rule 13

The petition for rehearing shall be the argument of the appellant therefor, and if the Court or either of the Justices think that such argument requires a reply, it shall be rendered to the other party, and he may make reply within such time as said Court or Justice shall allow, and with a view to a rehearing, the Court may extend the suspension of proceedings as further may need be.

Rule 14

If a petition for rehearing be filed the same shall suspend the decisions or proceedings, if the Court, on its presentation, or one of the Justices, if in vacation, shall so order, in either of which cases such decision or proceedings shall be suspended until the next Term.

Rule 15

The opinion of the Court on all questions reviewed on appeal or writ of error, and on all such motions called questions and finally by Justices the Justices present, shall be reduced to writing, and after having been delivered in open Court, shall be filed with the Clerk, and no Judgment shall be announced or entered until the delivering and filing of the opinions therein. When the Court takes an matter under advisement the opinions shall be delivered and filed at the next Regular or adjourned Term.

Rule 16

All dissenting opinions must be in writing and must be filed in vacation, but must be within thirty days after the close of the Term at which the cause was decided; and the records must in all cases show whether a decision was made by a full bench, and whether either, and, if so which of the Justices dissented from the decision.

Rule 17

Only two counsel shall be permitted to argue for each party, in a cause, unless upon motion duly made, but the time to be occupied by each side, in the argument shall be regulated, and any points may be submitted on written or printed argument or brief.

Rule 18.

1 In all cases where any suit shall be dismissed in this Court, except where the dismissal shall be for want of jurisdiction, and in all cases of affirmance of any judgment or decree costs shall be taxed against the appellant or plaintiff in error.

2 In cases of reversal of any judgment or decree costs shall be taxed against the appellee or defendant in error

Provided, that the Court may in its discretion apportion the costs, as may be equitable and just.

Rule 19

It shall be the duty of the Clerk to insert the amount of the costs in the body of the mandate, procedendo, or other proper process transmitted to the Court below. and annex to the same the bill of items taxed in detail but such mandate, procedendo, or process shall not be transmitted in civil causes until the costs in this Court shall have been paid.

All rules heretofore adopted by this Court are hereby rescinded.

And now April 26th 1876. —

Ordered — That two hundred copies of the rules of Court this day adopted, be printed and published in pamphlet form; and the Marshal is hereby directed to carry this order into effect.

By the Court
P. H. Thomson
Chief Justice

Attest B. S. Williams
Clerk

Territory of Dakota. ss
In Supreme Court December Term 1875.

John Sweeney et al
vs
Fred Schneider and
County Commissioners
of Yankton County

And now this 26th day of April, 1876, and before a decision is rendered in the above case, comes Wm. Pound, of counsel for the First National Bank of Bannister, Ind., and nine other parties plaintiffs in Suits against said County of Yankton and pending in the District Court of Yankton County D.T. and asks leave to withdraw the appearance heretofore entered by Oliver Shannon, of Counsel in said cases below for said parties as made on the 8th day of March, 1876, without any prejudice to the rights of the plaintiffs in said Cases above named.

Wm Pound, of Counsel
for First National Bank of
Bannister Ind. and others

April 26th 1876, upon consideration and by consent of Wm. Gamble attorney for defendants Motion granted.

By the Court
P. C. Shannon Chief Justice

Williams P. Dole
vs
Walter A Burleigh
} Appeal from Delay County

In the above entitled cause the Opinion was delivered by Hon A. H. Barnes absent Justice and read in open Court by Hon P. C. Shannon Chief Justice

The following is the Judgement of the Court.
The Judgement of the Court below is reversed and a new Trial ordered, and the case remanded for further proceedings according to law.

All the Judges Concurring.

Filed now at 1 o'clock P.M. this 4th day of May A.D. 1876.
A. Reeps Merrill 3 o'clock this 4th day of May A.D. 1876.

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U. S. Supreme Court, December Term A.D. 1875. 17th Day of Jan.
Continued

And now at 3 o'clock P. M. Court comes with the same officers present as this A M.

In Supreme Court of the Territory of Dakota.

B. E. Wood. S. D. F. Coon. E. W. Wall
H. L. Bartlett, Gen: Agent of B. E. Wood } Aff'ts
vs
A. T. Bangs Settlers Trustee of Brunsely G. B.
Runnels A. M. Brighton H. H. Calhoun
W. A. Barleigh L. P. Hinton } Def'ts
Land &c.

And now comes said plaintiff and appellants by their counsel and prays an appeal from the decision and judgment rendered in this case on the 4th day of March A.D. 1876, and the same is allowed upon the appellants filing bonds as required by law, in the penal sum of five hundred Dollars. Done in open Court this 26th day of April A.D. 1876.

By the Court
P. C. Shannon Chief Justice

Territory of Dakota }
County of Bon Homme } ss

B. E. Wood et al }
vs
A. T. Bangs et al }

E. W. Wall being first duly sworn on oath says that he is one of the plaintiffs in the above entitled action - that the amount in controversy in said action is over one thousand dollars

E. W. Wall

Subscribed and sworn to before me this 22nd day of April A.D. 1876

Notarial Seal

J. D. Sumner
Notary Public

U. S. Supreme Court, December Term A.D. 1875. 17th Day of Term.
Continued

Sarah A. Dornfeld
vs
John H. Scheetlestall
} Appeal from Gentlon County

This cause being brought on to be heard is argued by C. J. B. Harris Esqr Attorney for the appellant.

And now comes G. C. Moody Esqr with an argument in behalf of the respondent in the above entitled cause

And now at 5 oclock and 20 minutes comes C. J. B. Harris Esqr with the closing argument for the appellant.

And now at 6 oclock and thirty minutes this Court is adjourned until 9 oclock to-morrow morning

Attest B. S. Williams
Clerk

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U. S. Supreme Court. Decr 6th Term A.D. 1875. 28th Day of Jan.

Standley Appeal 24th 1876

Court met pursuant to adjournment at 9 o'clock A.M. with the following officers present.

Hon. C.C. Shannon Chief Justice Presiding
" A.H. Barnes Associate "
" Wm Pennel U.S. Attorney
" J.H. Bennett U.S. Marshal
" B.F. Williams Clerk
" C.P. Simmons & C.B. Benedict Bailiffs

B.E. Wood et all } Appeal from
vs
A.J. Bangs et all } Bon Homme County

And now comes S.W. Packard Esqr and presents the appeal Bond in the above entitled cause and the following affidavits.

In the Supreme Court of the Territory of Dakota

B.E. Wood & D.F. Parr & W.H. Hall & H.E. Benedict & Geo Mead & B.H. Wood
vs
A.J. Bangs & Hatter & L. Dennedy & G.P. Rennels & H. English & H.H. Cathcart & W.A. Danielly & L.P. Hunton & Jas. H.
Territory of Dakota } ss.
Bon Homme County }

Judgement rendered by the Supreme Court March 4th 1876.

Geo B. Engle and F.P. McAuley being severally duly sworn says: each for himself that he is familiar with the above suit and that the matter in dispute therein exclusive of costs, exceeds one thousand Dollars and further says that

Geo B. Engle
F.P. McAuley

Subscribed and sworn to before me a Notary Public in and for said County this 24th day of April A.D. 1876

(Notarial Seal)

F. L. Lemmer
Notary Public

Know all men by these presents. that we L.D.F Poor
L. S. Rowe and H. A James of Springfield Bon Homme
County Dakota Territory are held and firmly bound
unto N. E. Bangs J. Gillies L Dunnelly G. S. Reynolds
A In English H. H. Calhoun W. A Bunleigh D.P.
Houston and A J Faulk in the full and just sum
of Five hundred Dollars to be paid to the said N. E.
Bangs. J Gillies L Dunnelly G. S. Reynolds A In English
H. H. Calhoun W. A Binleigh D P Houston and A J.
Faulk or their executors, administrators or assigns.
to which payment well and Truly to be made we bind
ourselves, our heirs, executors and administrators jointly
by and severally by these presents.
Sealed with our seals and dated this 24th day of
April A.D 1876. Whereas lately at a terms of the
Supreme Court of the Territory of Dakota holden at
Yankton in said Territory on the 4th day of March
A.D 1876, in a suit depending in said Court be-
tween B. F. Wood L. D. F. Poor. D. W. Wall, H. P. Bonnstell
Geo Mead and B. H. Wood as plaintiffs and appel-
lants and N. E. Bangs J. Gillies L Dunnelly G. S.
Reynolds A In. English. H. H. Calhoun. W. A. Bunleigh
D. P. Houston and A. J. Faulk as defendants and
respondents. Judgment was rendered against the
said plaintiffs and appellants and the said B. F.
Wood L. D. F. Poor. D. W. Wall, H. P. Bonnstell Geo Mead
and B. H. Wood having taken and obtained an appeal
to the Supreme Court of the United States from said
judgment and having obtained a citation citing
and admonishing them to be and appear at
a Supreme Court of the United States to be holden
ers at Washington the second monday of
October A.D. 1876.
Now the condition of the
above obligation is such that if the said B. F.
Wood. L. D. F. Poor. D. W. Wall. H. P. Bonnstell
Geo Mead and B. H. Wood shall prosecute
this appeal to effect and answer all dam
-ages and costs if they fail to make their plea

T. H. Supreme Court. December Term A.D. 1875. 18th Day of Term.
Continued

good & then the above obligation to be void else to
remain in full force and Virtue.

L D F Poor
H. A. Jennes
L S Rowe

Sealed and delivered in presence of
J L Sumner
Chas Bachrig.

Approved April 27th 1876 by
P C Shannon Chief Justice
of the Supreme Court of Dakota Territory.

Territory of Dakota
Ban Homme County

On this 24th day of April AD 1876
before me J. L. Sumner a Notary Public personally
appeared L. D. Poor and H. A Jennes and L S
Rowe to me known to be the individuals who are
described in and who executed the foregoing bond
and acknowledged this same to be their free act & deed

J. L. Sumner
Notary Public

Notarial Seal

Territory of Dakota
Ban Homme County } ss.

L. D. F. Poor and H. A. Jennes
and L. S. Rowe being duly sworn on oath
for himself that he is a freeholder in said County of
Bon Homme and is worth double the amount therein
stated in the annexed bond, exclusive of, over
over and above all debts and liabilities owed or
claims of all property exempt from levy and sale
on execution.

L. D. F. Poor
H. A. Jennes
L S Rowe

Notarial Seal

Subscribed and sworn to before me this
24th day of April AD 1876

J. L. Sumner
Notary Public

U. S. Supreme Court, December Term A.D. 1875. 18th Day of Term.
Continued

And now the following order was entered of record.

District of Dakota Territory } ss

In the Supreme Court for said District, at an term thereof, begun and held at Yankton on the fourteenth day of December 1875. Present: The Honorable P.C. Shannon and A.H. Barnes Judges. the following order was made and entered of record to Wit;

Whereas Jeannes H. Benedict United States Marshal, has rendered to this Court an account of his fees and disbursements at and previous to the adjourned December at Yankton of the Supreme Court with the vouchers and items thereof, and in presence of Williams Pownall Esq. United States Attorney, he proved, on oath to the satisfaction of the Court that the services and fees therein charged, have been actually and properly performed as therein stated, and that the disbursements charged have been fully paid in lawful Money: and whereas said charges appear to be just and according to law—

It is hereby ordered that the said account amounting to One hundred and forty Nine Dollars and fifty Cents be and the same is hereby approved.

By the Court
P.C. Shannon
Chief Justice

And now again the following order was made and entered of record to Wit:

In the Supreme Court of Dakota Territory at an adjourned term thereof begun and held at Yankton on the fourteenth day of December A.D 1875.

Present the Honorable P.C. Shannon and A.H. Barnes Judge the following order was made and entered of record to Wit

Whereas B.S. Wilkinson Clerk of the Supreme Court has rendered to this Court an account

U. S. Supreme Court December Term A.D. 1875. 18th Day of Term
Continued

of his fees at the adjourned December Term A.D. 1875. at Jamestown of the Supreme Court with the Vouchers and items thereof, and in the presence of Williams Bonner Esqr. United States Attorney has sworn on oath, to the satisfaction of the Court, that the Services therein Charged have been actually and necessarily performed as therein stated.

And whereas said charges appear to be just and according to Law.

It is hereby ordered that the said account amounting to fifteen Dollars be and the same is hereby approved.

April 27. 1876.—

By the Court
P. B. Shannon
Chief Justice

Term being no further business presented to this Court it is now adjourned until 10 oclock A.M. on (Friday) the 12th day of May A.D. 1876,

Attest

B. S. Williams
Clerk

U. S. Supreme Court, December Term 1876. Day of Term.
Friday Jany 12th 1876.

This day Court met at the Court Room in the City of Hunkers. at 10 o'clock A.M. pursuant to adjournment with the following officers present. Viz:

Hon R C Sherman Chief Justice Presiding
" G G Bennett Associate
William Pound Esq U S Attorney
J H Benedict " U S Marshall.
B L Williams Clerk
& P Edmonds & C P Benedict Bailiffs

The Court being duly opened the following cause was called

John Speedway
vs
Fred Schenber as
Sheriff of Gunklow &c

} Appeal from Gunklow &c

Opinion by Bonner Justice

The judgment sustaining the demurrer in the Court below must be reversed and judgment entered for the plaintiff as demanded in the plaintiffs complaint.

John Speedway
vs
Fred Schenber as
Sheriff of Gunklow &c

} Appeal from Gunklow &c

And now Separate opinion by Bennett Justice
The judgment of the Court below sustaining the demurrer, is reversed, and the cause remanded.

Reversed

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11. 1. Supreme Court. December Term A.D. 1875. 19th Day of Jan.
Continued

Solon Shedenway
vs
Jacob Schumacher as
Sheriff of Jones Co } Appeal from Jones County

And now
Separate Opinion by Shannon Chief Justice
The judgment of the District Court which
sustained the defendants demurrer, and dismissed
the Complaint should be.

Affirmed

Sarah A. Danforth
vs
John H. Charles et al } Appeal from Jones Co

Opinion by Bennett Justice
The judgment of the Court below so far as it allows
and fixes the recovery for attorneys fees, is reversed and
the cause remanded

Reversed

And now at 12 oclock M. this Court is
adjourned without day.
Attest B S Williams
Clerk

U. S. Supreme Court, June Term A.D. 1876. 1st Day of Term.
Tuesday June 27th 1876.

Be it remembered that on this day to wit; the 27th day of June A.D 1876. the Supreme Court for the Territory of Dakota met pursuant to law, at the Court Room in the City of Yankton at 12 oclock M. with the following Officers present

Hon P. C. Shannon Chief Justice presiding
Wm Pound Esqr U.S. Attorney
B S Williams Clerk
C P Edmunds Bailiff

The Court being duly opened by the Honorable P. C Shannon Chief Justice.

Whereupon Hons A.J.C. Barnes and G.G. Bennett being absent, and no quorum being present the Chief Justice adjourned this Court until the 20th day of July A.D. 1876. at 10 oclock A.M.

Attest B S Williams
Clerk

U. S. Supreme Court, Jones Term A.D. 1876. 2nd Day of Term.
Thursday July 20th 1876.

This day Court met at the Court Room in the City of Charleston at 10 o'clock A.M. pursuant to adjournment. with the following Officers present.

His Honor P. C. Shannon Chief Justice presiding
Wm Pomeroy Esqr U S Attorney
J McBurnett Esqr U S Marshal
B S Williams Clerk
C P Edmunds Bailiff

The Court being duly opened. and Whereupon Hons A H Barnes and G G Bennett Special Justices being absent. and no quorum being present. no Business Transacted.

And now this Court is adjourned until Thursday the 10th day of August A.D. 1876.

Attest
B S Williams
Clerk

U. S. Supreme Court, Yeates Term. A.D. 1876. 3rd Day of Term.
Thursday - August 10th 1876.

Be it remembered that on this day, to wit: the 10th day of August. A.D. 1876.

The Supreme Court for the Territory of Dakota met pursuant to adjournment at the Court Room in the City of Yankton the Capital of said Territory at 10 o'clock A.M. and with the following officers present to wit:

His Honor P. C. Shannon Chief Justice Presiding
" " A.H. Barnes Associate
" G.G. Bennett "
" Wm Pound Esq U.S. Attorney
J.H. Burdick Esq U.S. Marshal
B.J. Williams Clerk
Bailiff
C.P. Edmunds

The Court being duly opened.

Now comes C.J.B. Harris Esq. and moves this Court that Frank J. Fu, Daly of Hamilton Junction Illinois be admitted to practice as an Attorney in this Court.

Whereupon the said Frank J. Fu Daly appearing at the Bar and presenting a certificate showing that he had heretofore been admitted to practice as an attorney in the Supreme Court of the District of Columbia, and being duly sworn by the Honorable P. C. Shannon Chief Justice, he is hereby admitted as an attorney and Counselor at law of the Supreme Court for the Territory of Dakota.

The People of the Territory of Dakota
vs.
Charles Walbern & John Doe
} Defendants in Error
Plaintiffs in Error
} Error to the District Court of Hamilton County

Now comes the said plaintiff in Error by S.L. Spink & G.C. Moody their Counsel & move a Continuance of this case until the next of this court, claiming this as a matter of right under the provision of Sec 2 Chapter 23 Laws of 1868. Page 261. S.L. Spink
G.C. Moody Counsel for Deft

Same day motion overruled
By the Court

H. S. Supreme Court. Second Term A.D. 1876. 3rd Day of Term.
3rd day Continued

The People of the Territory of Dakota
Deft in Error
vs
Silas Wallaman and John B. McKee
Plffs in Error
} Error to the District Court of Grant Co Territory

The People of the Territory of Dakota
Dfts in Error
vs
Andrew J Sweetser
Plff in Error

This cause being brought on for hearing this 10th day of August A.D. 1876.

Now comes G C Moody Esqr one of the attorneys for plaintiffs in Error and presents with his argument in the above entitled cause.

And now. Same day at 4 oclock P.M. comes J R Gamble Esqr District attorney for Grant Co County with his argument in behalf of the People of the Territory of Dakota in the above entitled cause.

And now at 6 oclock P.M. this court is adjourned until 9 oclock A.M. Aug 11th AD 1876.

U. S. Supreme Court, June Term A.D. 1876. 4th day of Term.

Friday August 11th 1876.

And now at 9 oclock A.M. Court met pursuant to adjournment with the following officers present.

Hon S. C. Shannon Chief Justice presiding
" A. C. Barnes Associate " "
" G. G. Bennett " " "
William Parnell U S attorney
J. H. Burdick Esqr U S Marshal
B. S. Williams Clerk
Bailiff
L. P. Edmunds.

The Court being duly opened the following cause was continued

The People of the Territory of Dakota
Defts in Error
vs
Charles Walbeurn & John Beckler
Pltffs in Error

} Error to the District Court of Yanktown County

The People of the Territory of Dakota
vs
Andrew J Sweeter

And now comes S. L. Spink Esqr one of the attorney for Pltffs in Error in the above entitled cause and closes his argument at 11 oclock A.M.

The People of the Territory of Dakota
vs
Charles Warnbold

The People of the Territory of Dakota
vs
Charles Shouler
Plff in Error

} Error in the District Court of Yanktown County

And now comes day to wit: August 11th A.D. 1876. comes G. C. Moody Esqr attorney for Pleintiff in Error and proceeds with his argument in the above entitled cause

And now comes day at 2 oclock P.M. comes J. H. Burdick Esqr District attorney for Yanktown County with his argument in behalf of the People of the Territory of Dakota

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U. S. Supreme Court, June Term A.D. 1876. 4th Day of Term.
4th days proceeding continued

And now same day. at 4 oclock P.M. comes L. C. Wooley Esqr attorney for Defts in Error with rehearing and closing argument in the above and foregoing cause.

The People of the Territory of Dakota
vs
John Jacobs
Defts in error
Plaintiff in Error

Error to the District Court of Yankton County

And now same day. Wed Aug 11th 1876. it being the 4th day of the Term. comes J. R. Gamble Esqr the District Attorney on behalf of the defendant in error moves. upon affidavit. (See affidavit filed) that this cause be placed on the Calendar, and that an judgment of affirmance be entered herein. and for such other and further relief in the premises as may be just and proper

And now at 5 oclock P.M. this Court is adjourned until tomorrow morning at 9 oclock

M. S. Supreme Court Error to Hughes County

Supreme Court No 1496

Appeal from the Circuit Court of Hughes County

Hon D. H. Kennaman Circuit Judge presiding

Hon W. H. Barnes Circuit Judge

" Geo Pickler Circuit Judge

" H. G. Bradshaw Circuit Judge

" B. F. Williamson Circuit Judge

Bailey & Richards

The People of the Territory of Dakota Defts in Error
vs
Lottie Jacobs Plff in Error } Error to the District Court of Hughes County

The above entitled cause was reached and argued by W. J. Arnold Esqr Dist Attorney sustaining said motion and by C. M. Bailey and S. L. Spink Esqrs opposing the same

And now Motion pending by the Court is made by Plaintiff in Error consisting in the Rules of this Court by having this case placed on the Calendar of the Supreme Court

The People of the Territory of Dakota Defts in Error
vs
Belle Wilson Plff in Error } Error to the District Court of Hughes County

The People of the Territory of Dakota Defts in Error
vs
Inez Briggs Plff in Error

Now comes W. J. Arnold Esqr Attorney for Plaintiffs in Error and proceeds with his argument in behalf of said Plaintiffs in Error Belle Wilson and Inez Briggs

And now comes J. R. Gamble Esqr Deputy attorney for Hughes County with his argument in behalf of the People of the Territory of Dakota

And now at 4 o'clock and 30 minutes this Court is duly adjourned until 10 o'clock am tomorrow morning

U. S. Supreme Court, June Term A.D. 1876. 6th Day of Term.

Monday August 14th 1876.

And now at 10 oclock A.M. Court met pursuant to adjournment with the following Officers present D.W.T.

Hon P C Shannon Chief Justice presiding
A H. Barnes Assist "
William Pound Esq U S " Attorney
J H. Burdick Esq U S Marshal
B S Williams Clerk
Bailiff
C P Edmunds

The First National Bank of Brunswick Maine. Plff in Error
vs
The County of Yankton Defts in Error } Error to the District Court of Yankton County

The People of the Territory of Dakota Defts in Error
vs
Belle Wilson Plff in Error } Error to the District Court of Yankton County

The People of the Territory of Dakota Defts in Error
vs
Maria Briggs Plff in Error

The Court being duly opened Now this day to Wit Aug 14th 1876. comes J P Kinsley Esq and concludes his argument in behalf of the People of the Territory of Dakota.

And now comes this day S L Spink in behalf of the City Council and makes argument as to the Validity of the City Justices title to his office

And now comes this day comes W S Arnold Esq with the closing argument

And now at 4 oclock and 30 minutes P.M. Court is adjourned until 9 oclock A.M. to-morrow morning.

U. S. Supreme Court, June Term 1876. Copy of Trans.

Tuesday August 15th 1876.

And now this day to Wit August 15th 1876. Court met at the Court Room in the City of Jacksonville at 9 oclock A. M. pursuant to adjournment with the following Officers present.

Honorable P. D Shannon Chief Justice Presiding
" A H. Barnes Assoc " "
" S G Bennett " " "
" William Pound U S Attorney
J H. Burdick Esqr U S Marshal
B S Williams Clerk

Bailiff
C P Edmunds.

The First National Bank of Brunswick Plff
Brunswick
vs
The County of Jackson } Error to the District Court of Jackson County

The Court being duly opened.

Now comes William Pound Esqr attorney for Plaintiff in Error and also A. W. Packard Esqr with argument in behalf of said Plaintiff And J R Gamble Esqr in behalf of the County of Jackson with his closing argument

The First National Bank of Brunswick Brunswick Plff in Error
vs
The County of Jackson Defdt in Error } June Term 1876.

Judgment

And now this 15th day of August A D 1876. the writ of error having been brought on for argument at the Second Term of this Court, and after hearing counsel for the plaintiff in error, and counsel for defendant in error against it is considered that the judgment of the District Court be affirmed and the cause remanded to that Court for further proceedings, and that the defendant in error recover of the plaintiff costs amounting to

By the Court

Test B S Williams Clerk

No (8)

The People of the Territory of Dakota
Defendants in Error
vs
John Jacobs
Plaintiff in Error

Error to the District Court of Pembina County

And now comes J.P. Gamble Esq. the District attorney on behalf of the defendant in Error & moves upon affidavit (See affidavit filed) that this cause be placed on the Calendar, and that a judgment of affirmance be entered herein, and for such other and further relief in the premises as may be just and proper

Territory of Dakota }
Supreme Court }

And now this 15th day of August A.D. 1876. the above motion having been brought on to be heard in open Court, and after hearing counsel for defendant in Error for, and the counsel for plaintiff in Error against, and upon due consideration thereof the motion is granted and it is adjudged that the judgment of the said District Court in this action be, and the same is hereby affirmed, and the cause remanded to said District Court to carry said judgment into effect.

By the Court
P.C. Shannon Chief Justice

The People of the Territory of Dakota vs John Evans

No (10)
Error to the District Court of Pembina County

Indictment for selling intoxicating liquor to be drunk upon the premises when sold without first having obtained a license and given a bond as required by law.

And now comes J.P. Gamble the District Attorney on behalf of the defendant in Error & moves upon affidavit (See affidavit & Motion filed) that this cause be placed on the Calendar, and that a judgment of affirmance be entered herein, and for such other and further relief in the premises as may be just and proper.

And now this 15th day of Aug 1876 the above motion having been brought on to be heard in open Court, and after hearing counsel for defendant in Error for, and Counsel for plaintiff in Error against, and upon due consideration thereof the motion is granted and it is adjudged that the judgment of the said District Court in this action be, and the same is hereby affirmed and the cause remanded to said District Court to carry said judgment into effect.

By the Court
P.C. Shannon Chief Justice

S. Supreme Court, June Term A.D. 1876. 7th Day of June.
Continued

No (111

The People of the Territory of Dakota
vs
Israel R Leach
} Error to the District Court of Yankton Co

Indictment for selling intoxicating liquors to be
drunk upon the premises where sold without first having obtained a license
and given a bond as required by law.

And now comes J. R. Gamble Esq. the District Attorney on behalf of the
defendant in Error and moves upon affidavit. (See affidavit and motion filed)
that this cause be placed on the Calendar, and that a judgment of affirmance be
entered herein, and for such other and further relief in the premises as may be just
and proper.

And now this 15th day of August 1876. the above motion having been
brought on to be heard in open Court, and after hearing Counsel for defendant in
Error for. and the Counsel for plaintiff in Error against, and upon due
Consideration thereof the motion is granted and it is adjudged that the judgment
of the said District Court in this action be. and the same is hereby affirmed. and the
cause remanded to said District Court to carry said judgment into effect.

By the Court
P. C. Shannon Chief Justice

The People of the Territory of Dakota
vs
Philip Steiner
} Error to the District Court of Yankton Co

Indictment for selling intoxicating liquors to be
drunk upon the premises where sold without first having obtained a license
and given a bond as required by law.

And now comes J. R. Gamble Esq. the District Attorney on behalf of the defendant
in Error and moves upon affidavit. (See affidavit and motion filed) that this
cause be placed on the Calendar, and that a judgment of affirmance be entered
herein. and for such other and further relief in the premises as may be just and proper.

And now this 15th day of August 1876. the above motion
having been brought on to be heard in open Court, and after hearing
Counsel for defendant in Error for. and the Counsel for plaintiff in Error
against, and upon due consideration thereof the motion is
granted. and it is adjudged that the judgment of the said District
Court in this action be. and the same is hereby affirmed. and
the cause remanded to said District Court to carry said judgment
into effect.

By the Court
P. C. Shannon Chief Justice

Attest
B. S. Williams
Clerk

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11. S. Supreme Court, June Term. A.D. 1876. 7th Day of June.

Continued

No (13)

The People of the Territory of Dakota vs Lorenzo Bierenbeyer } Error to the District Court of Jerauld County

Indictment for selling liquor &c. Motion to dismiss upon the proceedings when sold, without first having obtained a license and given a bond as required by law.

And now comes J. P. Gamble Esqr the District attorney on behalf of the defendant in Error and moves upon affidavit (See affidavit and motion filed) that this cause be placed on the Calender, and that a judgment of affirmance be entered herein, and for such other and further relief in the premises as may be just and proper.

And now this 15th. day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error for, and the Counsel for plaintiff in Error against, and upon due consideration thereof. the motion is granted. And it is adjudged that the judgment of the said District Court in this action be, and the same is hereby affirmed, and the cause remanded to said District Court to carry said judgment into effect

Attest B. S. Williams Clerk

By the Court
P. C. Shannon Chief Justice

The People of the Territory of Dakota vs Ever Bagstead } No (14) Error to the Dist. Court of Jerauld County

Indictment for selling spirituous liquors to be drank upon the premises when sold. Without first having obtained a license and given a bond as required by law.

And now comes J. P. Gamble Esqr the District attorney on behalf of the defendant in Error, and moves upon affidavit (See affidavit and motion filed) that this cause be placed on the Calender, and that a judgment of affirmance be entered herein, and such other and further relief in the premises, as may be just and proper.

And now this 15th. day of August 1876. the above motion having been brought on to be heard in open Court and after hearing Counsel for defendant in Error for, and the Counsel for plaintiff in Error against, and upon due consideration thereof. the motion is granted. And it is adjudged that the judgment of the said District Court in this action be, and the same is hereby affirmed, and the cause remanded to said District Court to carry said judgment into effect.

Attest B. S. Williams Clerk

By the Court
P. C. Shannon Chief Justice

Continued

No 157

The People of the Territory of Dakota
vs
Charles Wambold
} Error to the District Court of Franklin County

Indictment for selling intoxicating liquor

To be dismissed upon the premises where sold without first having obtained a license and given a bond as required by law.

And comes J. K. Gamble Esqr. the District attorney on behalf of the defendant in Error and moves upon affidavit (& affidavit & Motion filed) that this cause be placed on the Calendar, and that an judgement of affirmance be entered herein. and for such other and further relief in the premises as may be just and proper.

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error for, and the Counsel for plaintiff in Error against. and upon due consideration thereof the motion is granted and it is adjudged that the judgment of the said District Court in this action be. and the same is hereby affirmed, and the Cause remanded to said District Court to carry said judgment into effect

Attest B. S. Williams Clerk

By the Court
P. C. Shannon Chief Justice

The People of the Territory of Dakota
vs
Charles Spencer
} No (16) Error to the District Court of Franklin County.

Indictment for selling intoxicating liquors to be drank upon the premises where sold without first having obtained a license given a bond as required by law.

And now comes J. K. Gamble the District attorney on behalf of the defendant in Error and moves upon affidavit (see affidavit Motion filed) that this cause be placed on the Calendar, and that a judgement of affirmance be entered herein and for such other and further relief in the premises as may be just and proper

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error for, and the Counsel for plaintiff in Error against, and upon due consideration thereof the Motion is granted and it is adjudged that the judgement of the said District Court in this action be. and the same is hereby affirmed and the cause remanded to said District Court to carry said judgement into effect

Attest B. S. Williams Clerk

By the Court
P. C. Shannon Chief Justice

U. S. Supreme Court, June Term A.D. 1876. 7th Day of June.

Continued

No (17)

The People of the Territory of Dakota
vs
John H. Belmont

Error to the District Court of Jerauld County.

Indictment for selling intoxicating liquors &c. upon the premises where sold without first having obtained a license and given a bond as required by law.

And now comes J.P. Gamble, the District attorney on behalf of the defendant in Error and moves upon affidavit (see affidavit & motion filed) that this cause be placed on the Calendar, and that a judgment of affirmance be entered herein and for such other and further relief in the premises as may be just and proper.

And now this 16th day of August 1876, the above motion having been brought on to be heard in open Court and after hearing counsel for defendant in Error, for, and the counsel for plaintiff in Error against, and upon due Consideration thereof the motion is granted, and it is adjudged that the judgment of the said District Court in this action be, and the same is hereby affirmed and the cause remanded to said District Court & Cty said judgment into effect with costs of this Court

Attest B.S. Williams Clerk

By the Court
P.C. Shannon Chief Justice

The People of the Territory of Dakota
vs
James Moore

No (18)

Error to the District Court of Jerauld County.

Indictment for selling intoxicating liquors to be drunk upon the premises where sold without first having obtained a license and given a bond as required by law.

And now comes J.P. Gamble the District attorney on behalf of the defendant in Error, and moves upon affidavit (see affidavit & motion filed) that this cause be placed on the Calendar, and that a judgment of affirmance be entered herein, and for such other and further relief in the premises as may be just and proper.

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error, for and the Counsel for plaintiff in Error against, and upon due Consideration thereof the motion is granted, and it is adjudged that the judgment of the said District Court, in this action be, and the same is hereby affirmed and the cause remanded to said District Court & Cty said judgment into effect With the Costs in this Court

Attest B.S. Williams Clerk

By the Court
P.C. Shannon Chief Justice

Continued

No (19)

The People of the Territory of Dakota
vs
Ole Olsen
} Error to the District Court of Jerauld County

Indictment for selling intoxicating liquors to be drunk upon the premises where sold without first having obtained a license and given bonds as required by law.

And now comes J. R. Gamble the District Attorney on behalf of the defendant in Error and moves upon affidavit (see affidavit & Motion filed) that this cause be placed on the Calendar, and that a judgement of affirmance be entered herein. and for such other and further relief in the premises as may be just and proper.

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error for, and the Counsel for plaintiff in Error against and upon due consideration thereof the motion is granted and it is adjudged that the judgment of the said District Court in this action be and the same is hereby affirmed, and the cause remanded to said District Court to carry said judgment into effect.

By the Court
P. C. Shannon Chief Justice

Attest
B. D. Williams Clerk

No (20)

The People of the Territory of Dakota
vs
August Kunze
} Error to the District Court of Jerauld County

Indictment for selling intoxicating liquors to be drunk on the premises where sold without first having obtained a license and given bonds as required by law.

And now comes J. R. Gamble the District Attorney on behalf of the defendant in Error and moves upon affidavit (see affidavit & Motion filed) that this cause be placed on the Calendar, and that a judgement of affirmance be entered herein. and for such other and further relief in the premises as may be just and proper

And now this 15th day of August 1876 the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error for, and the Counsel for plaintiff in Error against and upon due consideration thereof the motion is granted and it is adjudged that the judgment of the said District Court in this action be, and the same is hereby affirmed, and the cause remanded to said District Court to carry said judgment into effect.

By the Court
P. C. Shannon Chief Justice

Attest
B. D. Williams
Clerk

No (21)

The People of the Territory of Dakota
vs
Christian Buechler
} Error to the District Court of Yankton County

Indictment for selling intoxicating liquors &c

Defendant appears the premises where sold without first having obtained a license and given a bond as required by law.

And now comes J.P. Gamble the District Attorney on behalf of the defendant in Error, and moves upon affidavit (the affidavit & motion filed) that this Cause be placed on the Calendar, and that a judgment of affirmance be entered herein, and for such other and further relief in the premises as may be just and proper.

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error for, and the Counsel for the plaintiff in Error against, and upon due consideration thereof the motion is granted, and it is adjudged that the judgment of the District Court in this action be, and the same is hereby affirmed and the cause remanded to said District Court to carry said judgment into effect, with the costs in this Court

By the Court
P.C. Shannon Chief Justice

Attest B S Williams, Clerk

The People of the Territory of Dakota
vs
O.P. Hays
} No (22)
Error to the District Court of Yankton County

Indictment for selling intoxicating liquors &c

Defendant appears the premises where sold, without first having obtained a license and given a bond as required by law.

And now comes J.P. Gamble the District Attorney on behalf of the defendant in Error, and moves upon affidavit (the affidavit & motion filed) that this Cause be placed on the Calendar and that a judgment of affirmance be entered herein, and for such other and further relief as the premises as may be just and proper.

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error for, and the Counsel for the plaintiff in Error against, and upon due consideration thereof, the motion is granted, and it is adjudged that the judgment of the District Court in this action be, and the same is hereby affirmed and the cause remanded to said District Court to carry said judgment into effect, with the costs in this Court

Attest B S Williams Clerk

By the Court
P.C. Shannon Chief Justice

U. S. Supreme Court, June Term A.D. 1876. 7th Day of June.

Continued

No (23)

The People of the Territory of Dakota
vs
John Satori
} Error to the District Court of Yankton County

Indictment for selling intoxicating liquor to be drunk upon the premises where sold without first having obtained a license and given a bond as required by law.

And now comes J. P. Gamble the District attorney on behalf of the defendant in Error, and moves upon affidavit, (see affidavit & motion filed) that this Cause be placed on the Calender, and that a judgment of affirmance be entered herein, and for such other and further relief, in the premises as may be just and proper.

And now this 15th day of August 1876, the above motion having been brought on to be heard in open Court, and after hearing counsel for defendant in Error, for, and the counsel for plaintiff in Error against, and upon due consideration thereof, the motion is granted, and it is adjudged that the judgment of the District Court in this action be, and the same is hereby affirmed, and the Cause remanded to said District Court to carry said judgment into effect, With the Costs in this court

By the Court.

Attest B. S. Williams Clerk. P. C. Shannon Chief Justice

The People of the Territory of Dakota
vs
Joseph Schastaval
} No (24) Error to the District Court of Yankton County

Indictment for selling intoxicating liquor to be drunk upon the premises where sold, without first having obtained a license and given a bond as required by law.

And now comes J. P. Gamble the District Attorney on behalf of the defendant in Error, and moves upon affidavit, (see affidavit & motion filed) that this Cause be placed on the Calender, and that a judgment of affirmance be entered herein, and for such other and further relief in the premises as may be just and proper.

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error, for, and the counsel for plaintiff in Error against, and upon due consideration thereof, the motion is granted, and it is adjudged that the judgment of the District Court in this action be, and the same is hereby affirmed, and the Cause remanded to said District Court to carry said judgment into effect, With the Costs in this court

By the Court.

Attest B. S. Williams Clerk. P. C. Shannon Chief Justice

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U. S. Supreme Court, Black Hills Term A.D. 1876. 7th Day of Term.

Decrement

No (25)

The People of the Territory of Dakota
vs
Robert Schmeck
} Error to the District Court of Pennington County

Indictment for selling intoxicating liquors to be drank upon the premises when sold without first having obtained a license and given a bond as required by law.

And now comes J. R. Gamble the District attorney on behalf of the defendant in Error. And moves upon affidavit (see affidavit & Motion filed) that this cause be placed on the Calendar. and that a judgement of affirmance be entered herein and for such other and further relief in the premises as may be just and proper

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court. and after hearing Counsel for defendant in Error for. and the Counsel for plaintiff in Error against. and upon due consideration thereof. the Motion is granted and it is adjudged that the judgment of the District Court in this action be and the same is hereby affirmed, and the cause remanded to said District Court to carry said judgment into effect, with the costs in this Court

By the Court
P. C. Shannon Chief Justice

Attest B. S. Williams Clerk

No (24)

The People of the Territory of Dakota
vs
Thomas H Mehring
} Error to the District Court of Pennington County

Indictment for selling Intoxicating liquors to be drank upon the premises when sold without first having obtained a license and given a bond as required by law.

And now comes J. R. Gamble the District attorney on behalf of the defendant in Error. and moves upon affidavit (see affidavit & Motion filed) that this cause be placed on the Calendar, and that a judgement of affirmance be entered herein, and for such other and further relief in the premises as may be just and proper.

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error for, and the Counsel for plaintiff in Error against. and upon due consideration thereof, the motion is granted and it is adjudged that the judgment of the District Court in this action be and the same is hereby affirmed, and the cause remanded to said District Court to carry said judgment into effect, with the costs in this Court

By the Court
P. C. Shannon Chief Justice

Attest B. S. Williams Clerk

Continued

The People of the Territory of Dakota — No (27)
vs
Raymond Sillinger } Error to the District Court of Yankton County

Indictment for selling intoxicating liquors to be drunk upon the premises where sold. without first having obtained a license and given a bond as required by law.

And now comes J. R. Gamble the District attorney on behalf of the defendant in Error, and moves upon affidavit (See affidavit & motion filed) that this cause be placed on the calendar, and that a judgment of affirmance be entered herein and for such other and further relief in the premises, as may be just and proper.

And now this 15th day of August 1876. the above motion having been brought on to be heard its openbank, and after hearing Counsel for defendant in Error, for, and the Counsel for plaintiff in Error against, and upon due consideration thereof, the motion is granted, and it is adjudged, that the judgment of the District Court in this action, be and the same is hereby affirmed, and the cause remanded to said District Court to carry said judgment into effect. With the costs in this Court.

Attest B. J. Williams Clerk

By the Court
P. C. Shannon Chief Justice

The People of the Territory of Dakota — No (28)
vs
Albert Gindlesta } Error to the District Court of Yankton County

Indictment for selling intoxicating liquors to be drunk upon the premises where sold, without first having obtained a license and given a bond as required by law.

And now comes J. R. Gamble the District attorney on behalf of the defendant in Error, and moves upon affidavit (See affidavit & motion filed) that this cause be placed on the calendar, and that a judgment of affirmance be entered herein, and for such other and further relief in the premises as may be just and proper.

And now this 15th day of August 1876. the above motions having been brought on to be heard its openbank, and after hearing Counsel for defendant in Error, for and the Counsel for plaintiff in Error against and upon due consideration thereof, the motion is granted and it is adjudged that the judgment of the District Court in this action, be and the same is hereby affirmed and the cause remanded to said District Court to carry said judgment into effect. With the costs in this Court.

By the Court
P. C. Shannon Chief Justice

Attest B. J. Williams Clerk

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U. S. Supreme Court, Sept. Term A.D. 1876. 7th Day of Term.

Continued

No (29)

The People of the Territory of Dakota
vs
Wm P Ohlman, Plaintiff & Defendant
Wm Abraham Adler

} Error to the District Court of Yankton County,

Indictment for selling intoxicating liquors. Defendant upon the premises when sold without first having obtained a license and given a bond as required by law.

And now Thomas J McConnell the District attorney on behalf of the defendant in Error. and moves upon affidavit, (see affidavit and Motion filed) that this cause be placed on the Calendar and that a judgement of affirmance be entered herein, and for such other and further relief in the premises as may be just and proper.

And now this 15th day of August 1876. the above motion having been brought on to be heard in open Court, and after hearing Counsel for defendant in Error, for, and the Counsel for plaintiff in Error against, and upon due consideration thereof the motion is granted, and it is adjudged that the judgement of the District Court in this action, be, and the same is hereby affirmed, and the Cause remanded to said District Court, to carry said judgement into effect. With the costs in this Court.

By the Court

Attest

B S Williams
Clerk

P C Shannon Chief Justice

U. S. Supreme Court,

A. D. 18

Dep't of Com.

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U. S. Supreme Court. Second Term A.D. 1876. 8th Day of Term.

Wednesday August 23rd 1876.

Be it remembered that on this day D Wk. the 23rd day of August A.D 1876. the Supreme Court for the Territory of Dakota. Met pursuant to adjournment at the Court Room in the City of Yankton. The Capital of said Territory at 10 O'clock A.M. with the following Officers present. D Wk.

Honorable P. C. Shannon Chief Justice Presiding
" A. H. Barnes Associate "
" G. G. Bennett " "
" J. H. Bandeen U S Marshal
B. S. Williams Clerk
Bailiff

The Court being duly opened the following proceedings were had D Wk.

The People of the Territory of Dakota
Plff in Error
vs
Marion Briggs Dft in Error
} Error to the Dist Court of Yankton County

Indictment for Keeping a house of Ill fame

And now this 23rd day of August A.D. 1876. the Writ of Error having been argued at the June Term of this Court and after hearing Counsel for the Plaintiff in Error for, and Counsel for defendant in Error against. It is adjudged that the judgement of the District Court be, and the same is hereby affirmed, and the cause remanded to that Court for further proceedings.

Attest B. S. Williams Clerk

By the Court
P. C. Shannon Chief Justice

The People of the Territory of Dakota
Plff in Error
vs
Belle Wilson Dft in Error
} Error to the District Court of Yankton County

Indictment for Keeping a house of Ill fame

And now this 23rd day of August A.D. 1876. the Writ of Error having been argued at the June Term of this Court and after hearing Counsel for the Plaintiff in Error for, and Counsel for defendant in Error against it is adjudged that the judgement of the District Court be, and the same is hereby affirmed, and the cause remanded to that Court for further proceedings.

Attest B. S. Williams Clerk

By the Court
P. C. Shannon Chief Justice

The People of the Territory of Dakota
Dft in Error
vs
Charles Sponsler
Plf in Error
} Error to the District Court of Jamestown County

Mr G. C. Moody for Plaintiff in Error. Mr J. R. Gamble District attorney contra

Opinion of the Court by Shannon C. J.

There being no Error in the records, or in the rulings of the Court below, the judgment is affirmed, and it is ordered that the proceedings herein be remitted to the District Court of Jamestown County to enforce the original judgment

(All the Justices concur)

The People of the Territory of Dakota
Dfts in Error
vs
Silas Wambole Plf in Error
} Error to the District Court of Jamestown County

Mr G. C. Moody for Plf in Error. Mr J. R. Gamble District attorney for the People

By the Court—

For the reasons set forth in the opinion filed in the case of the People V. Charles Sponsler, and there being found no Error apparent in the record herein, or in the rulings of the Court below the judgment is affirmed; and it is ordered that the proceedings herein be remitted to the District Court of Jamestown County, to enforce the original judgment.

U. S. Supreme Court, June Term 1876 8th Day of Term.
Continued

The People of the Territory of Dakota
vs
Andrew J. Sweetser
} Error to the District Court of Gunnison County.

And now this 23rd day of Aug A.D. 1876. this Writ of Error having been argued at this term of the Court. by S. L. Spaid Esq. for Plff in Error. and J. R. Gamble Dist Atty for the People. and there being no Error in the records or in the rulings of the Court below the judgement is affirmed. and it is ordered that the proceedings herein be remitted. to the District Court of Gunnison County to enforce the original judgement.

The People of the Territory of Dakota
vs
Charles Walbrun & John Becker
} Error to the District Court of Gunnison County

Indictment for selling intoxicating liquors to be drunk on the premises without first having obtained a license and given bond as required by law

For the reasons set forth in the opinion filed in the case of the People vs Andrew J. Sweetser, and there being no Error apparent in the record herein, or in the rulings of the Court below, the judgement is affirmed. and it is ordered that the proceedings herein be remitted to the District Court of Gunnison County to enforce the original judgement.

The National Bank of Brunswick Maine
Plaintiff in Error
vs
The County of Gunnison
Defts in Error
} Error to the District Court of Gunnison County.

Judgement

And now this 23rd day of August A.D. 1876. the Writ of Error having been argued at this Term of the Court. by Williams Pound and S. L. Spaid Esqrs for plaintiff in Error, and by J. R. Gamble District Attorney for the County of Gunnison, it is adjudged

that the judgment of the District Court be affirmed and the cause remanded to that Court for further proceedings, and that the defendant in Error recover of the plaintiff in Error Costs amounting to four dollars and ten Cents.

By the Court
P C Shannon
Chief Justice

There being no further business brought before the Court it is now adjourned without day

By the Court
P C Shannon
Chief Justice

Attest B. L. Williams
Clerk

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U. S. Supreme Court. August 10" A.D. 1876. Day of Term.

Proff of Residence

Territory of Dakota }
In Supreme Court } ss.

I John B Moore and Daniel McDermott being duly sworn. Says that he is a citizen of the United States of America. That he knows Fred Scheffer and that he has resided within the Territory and jurisdictions of the United States for five years last past. and one year last past within the Territory of Dakota. that during that time he has believed as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same.

Sworn in open Court this 10" day of August 1876. before me
B. S Williams Clerk

his
John B Moore
mark
Daniel McDermott

Oath to Support the Constitution of the United States

I Fred Scheffer do Solemnly Swear that I will support the Constitution of the United States of America, and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign Prince, Potentate State or Sovereignty whatever, and particularly to the King of Prussia and Emperor of Germany of whom I was a subject.

Fred Scheffer.

Sworn to in open Court this 10" day of August 1876 before me B S Williams Clerk

United States of America }
Supreme Court Dakota Territory }

Be it remembered. that on the tenth day of August in the year of our Lord one thousand eight hundred and seventy six. personally appeared before the Supreme Court of the Territory of Dakota Fred Scheffer - an alien born. above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress. heretofore passed on that subject. And the said Fred Scheffer. having thereupon produced to the Court legal testimony showing that he had heretofore renounced forever and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several acts of Congress. and the Court being satisfied. as well from the oath of the said

Fred Scheffer as from the testimony of John B Imes and Daniel McDermit who are sworn to be citizens of the United States, and the said Fred Scheffer, has resided within the limits and under the jurisdiction of the United States for at least five years last past. and at one year last past within the Territory of Dakota. and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same, and two years and upwards having elapsed since the said Fred Scheffer reported himself, and filed his declaration of intention as aforesaid.

It was ordered. That the said Fred Scheffer be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the King of Prussia and Emperor of Germany whereof he was heretofore a subject, which said oath having been administered to the said Fred Scheffer by the Clerk of said Court in open Court it was ordered by the Court that the said Fred Scheffer be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court under the seal of said Court which is done accordingly.

P. C. Shannon
Chief Justice

I, the undersigned Clerk of the Supreme Court of the Territory of Dakota, do hereby certify that the foregoing is a true copy of the proceedings taken from the record of the proceedings of said Court aforesaid, & I do hereby certify that I have caused my seal of office to be affixed to the same this 10th day of August in the year of our Lord one thousand eight hundred and seventy six.

Seal of Court

B. S. Williams
Clerk

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11. U. Supreme Court. Aug 11" A.D. 1876. Day of Term.

Proof of Residence

Ter Supreme Court }
Territory of Dakota } ss

I Rasmus Jensen and Bathsene Lee being duly sworn. Says that he is a citizen of the United States of America. that he Knows Lars Olsen. and that he has resided within the Territory and jurisdiction of the United States for five years last past. and one year last past within the Territory of Dakota, that during that time he has behaved as a man of good moral character. attached to the principles of the Constitution of the United States. and well disposed to the good order and happiness of the same

Sworn in open Court this 11th day of August AD 1876. B S Williams Clerk

Rasmus Jensen
Bathsene her Lee mark

Oath to Support the Constitution of the United States

I Lars Olsen do Solemnly Swear that I will support the Constitution of the United States of America, and that I do absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign Prince. Potentate. State or Sovereignty whatever and particularly to Charles 15th King of Sweeden and Norway.

Lars Olsen

Subscribed and Sworn to before me in open Court this 11" day of August A.D. 1876.

B. S. Williams Clerk

United States of America }
Supreme Court Dakota Territory } ss.

Be it Remembered. That on the 11th day of August in the Year of our Lord One thousand eight hundred and seventy six personally appeared before the Supreme Court of the Territory of Dakota Lars Olsen an alien born. above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress. heretofore passed on the subject. And the said Lars Olsen having thereupon, produced to the Court record testimony, showing that he had heretofore exhibited his declarations of his intention to become a citizen of the United States. according to the provisions of the several acts of Congress. and the Court being satisfied by the testimony of [illegible] witnesses produced. by the said Lars Olsen upon

Who are known to be citizens of the United States, that the said Lars Olsen has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and during ~~that~~ the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Lars Olsen reported himself, and filed his declaration of intention as aforesaid.

It was ordered, That the said Lars Olsen be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty Whatever: and more particularly to Charles 15th King of Sweden and Norway whereof he was heretofore a subject, which said oath having been administered to the said Lars Olsen by the Clerk of said Court in open Court it was ordered by the Court that the said Lars Olsen be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States and that the same be certified by the Clerk of this Court, under the Seal of said Court. Which is done accordingly.

P. B. Shannon
Chief Justice

In Testimony that the foregoing is a true Copy of the proceedings taken from the record of the proceedings of the Court aforesaid, I subscribe my name hereunto and affix the Seal of the Court this 11th day of August in the year of our Lord one thousand eight hundred and Seventy Six.

Seal of Court

B. F. Wilkinson
Clerk

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U. S. Supreme Court. December Term A.D. 1876. 12th Day of Term.

Tuesday December 12th 1876.

Be it remembered that on this day. Court met at the Court Room in the City of Yankton Territory of Dakota pursuant to law. It being the 2nd Tuesday of December.

The following Officers being present.

Hon C.C. Shannon Chief Justice Presiding
" G.G. Bennett Associate " "
Jno Pound Esqr U.S. Attorney
J.H. Bradley " U.S. Marshal
Bailiffs B.S. Williams Clerk
Jas Brown

The Court being duly opened the following cause was brought on to be heard

William H. Holt } Minnehaha County
vs
William Van Epps } Motion to dismiss the appeal.

Now comes Mr Grigsby Esqr with argument for respondent in the above cause.

And now Bartlett Sheppard Esqr for the appellant.

Mr Grigsby Esqr with closing the argument for respondent.

And the Motion was overruled by the Court

And now at 10 oclock P.M. this Court is adjourned until Wednesday the 13th day of January A.D. 1877. at 10 oclock A.M.

Attest B.S. Williams
Clerk

U. S. Supreme Court. December Term A.D. 1876. 2nd Day of Term.

Wednesday January 17th A.D. 72

This day Court met at the Court Room in the City of Washington at 10 o'clock A.M. Pursuant to adjournment, and the following Officers present.

His Honor R. B. Stanton Chief Justice Presiding
" " N. H. Barnes Associate " "
" " J. J. Bennet " " "
Wm Pownd Esq U.S. Attorney
J. H. Benedict U.S. Marshal by H. D. Wyman Deputy
B. S. Williams Clerk
Bailiffs L. P. Edmunds
James Noonan

The Court being duly opened the following cases was called

William H. Holt
vs
Respondent

William VanDyke
Appellant

} Appeal from Minnesota County

Motion to Dismiss the Judgment

And now comes In Propria Persona Esq. with argument for respondents in the above cause. and no one appearing for the appellant. the cause was taken under advisement by the Court.

The United States
vs
John McCall alias
Jack McCall

} Appeal from U.S. District Court 2nd Judicial District

Now comes Oliver Shannon Esq. with argument in behalf of John McCall the appellant in the above entitled cause

And now comes Wm Pownd Esq. United States District Attorney with argument for United States Respondent in this cause.

And now Oliver Shannon Esq. with the closing argument for appellant

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U. S. Supreme Court December Term A.D. 1872. 2nd Day of Jan.

Continued

A. C. Meacham
vs
R. H. Wilkins and Jesse Ward
Respondent
appellants

} Appeal from Gentlemen County

Motion to affirm the judgment of the District Court filed by respondents Counsel.

Geo. P. Walehan
vs
Chicago and Northwestern Rail Road Company

} Appeal from Gentlemen County

Now comes Oliver Shannon Esq. attorney for appellant. and Geo P Walehan Esq. attorney for respondent in the above entitled cause and the cause was submitted to the Court on the briefs of the respective attorneys.

And now at 5 oclock P M. the Court is adjourned until tomorrow at 9 oclock A M.

By the Court
P C Shannon Chief Justice

Attest R. S. Williams
Clerk

U. S. Supreme Court, December Term A.D. 1876. 3rd Day of Term.

Thursday Jany 18th 1877

This day Court met pt 9 o'clock A.M. pursuant to adjournment with the following Officers present.

Honorable P. C. Shannon Chief Justice Presiding
" A. H. Barnes Associate "
" G. G. Bennett " "
" Wilkins Pound U. S. Dist Attorney
W. H. Benedict U. S. Marshal by F. D. Wyman Deputy
B. S. Williams Clerk

Bailiffs
A. P. Edwards
James Norman

The Court being duly opened now comes Mark W. Bailey Esqr and moves this Court that Marcus Robbins of Foley County be admitted to practice as an attorney in this Court.

Whereupon the said Marcus Robbins appearing at the Bar and being duly sworn by the Hon P. C. Shannon Chief Justice. he is hereby admitted as an attorney and counselor at law in the Supreme Court for the Territory of Dakota

And now comes John R. Gamble Esqr and moves this Court that Robert J. Gamble of Faulk County be admitted to practice as an attorney in this Court.

Whereupon the said Robert J. Gamble appearing at the Bar and being duly sworn by the Honorable P. C. Shannon Chief Justice. he is hereby admitted as an attorney and counselor at law in the Supreme Court for the Territory of Dakota

John A. Tannehill &c
vs
George W. Pratt
and Wm O'Dea

} Appeal from Foley County

Motion to dismiss the appeal

Now comes Marcus Robbins Esqr with argument for the dismissal and moves accordingly

H. S. Supreme Court. Brandon Term A.D. 1876. 3 Day of Jan.

Continued

The County of Jackson
vs
J. Faulks as Clerk &c

Appeal from Jackson County

Now comes P. R. Faulks Esq Dist attorney for Jackson County with his argument in behalf of said County

And now comes Bartlett Sharp Esq in behalf of the City of Jackson.

The County of Jackson
vs
H. Faulks as Clerk &c

Appeal from Jackson County.

The same as in the above Cause

S. S. Heathman
vs
Geo Wilbur et al
Respondents
appellants

Appeal from Jackson County

Now comes G. H. Brooks Esq and proceeds with his argument for appellants in the above cause

And now comes J. W. Gantt Esq with his argument for the respondents.

And now at 6 o'clock P.M. this Court is adjourned until 9 o'clock Tomorrow morning.

Attest

B. S. Wilkins
Clerk

By the Court
P. H. Shannon
Chief Justice

U. S. Supreme Court, December Term A.D. 1876. Adjourned Term.
Friday the 19th day of January 1877.

This day came on at 9 o'clock A.M. pursuant to adjournment with the following officers present

Hon P C Shannon Chief Justice presiding
" A H Barnes Associate "
" G G Bennett "
Wilkam Penrod U S Attorney
J H. Brodrick U.S. Marshal by J D Wynn Deputy
B S Williams Clerk
Bailiffs L P Edwards &
James Noonan

Court being duly opened the following cases was called

L. Cheatham
vs
Geo Wilburn et al } Appeal from Jerauld Co. county

Now comes J R Gamble Esq on behalf of appellee and proceeds with his argument

Now comes G. C. Moody with the closing argument

Supreme Court
Dakota Territory } ss

In the Supreme Court for said Territory at an adjourned Term thereof begun and held on the 12th day of December 1876. Present Hon P C. Shannon A H. Barnes G G Bennett Justices. the following order was made and entered of record. to Wit,

Whereas Wm Penrod United States Attorney has presented to this Court an account of his services at the adjourned December Term 1876, of this Supreme Court of the Territory of Dakota, and sworn thereto, with the items thereof, and has proved on oath to the Satisfaction of this Court that the services therein charged has been actually and necessarily rendered by him, and whereas said account appears to be just and according to Law.

Now therefor, it is ordered by the Court that said account amounting to One hundred and sixty five Dollars be and the same is hereby allowed

By the Court
P. C. Shannon Chief Justice
A Judge of Second District

January 19th 1877.

Attest
B. S. Williams
Clerk

U. S. Supreme Court, December Term A.D. 1876. 4th Day of Term.
Continued

And now the following order
Whereas B.S. Williams Clerk of
the Supreme Court has rendered to this Court an account
of his fees at the adjourned December Term 1875. and for the
June and December Terms 1876. at Yankton with the items
thereof. and this the presence of Wm Pound Esq. United
States attorney, has proved on oath to the satisfaction of the
Court that the services therein charged have been actually
and necessarily performed as therein stated. and Whereas
said charges appear to be just and according to law.
It is hereby ordered that the said account amounting
to Sixty five Dollars be and the same is hereby allowed
By the Court
P C Shannon
Chief Justice

January 19th 1877.

And now the following order
Whereas Wm Pound United States attorney
has presented to this Court the account of E.G. Williams U.S. Commissioner
at Bismarck in said Territory, from November 9th to December 7th 1876.
with the items thereof and has proved on oath to the satisfaction of the
Court that the services therein charged were actually rendered by
him as therein stated. and Whereas said account appears to be
just and according to law
Now therefore it is ordered that said
account amounting to fifty five Dollars and Sixty five
Cents be and the same is hereby allowed
By the Court
P C Shannon Chief Justice

And now the following order
Whereas Wm Pound United States attorney
has presented to this Court an account of John F Gaffney United
States Commissioner at Bismarck, Dakota Territory, for services between
the first day of November and the 30th day of April 1876. duly
sworn to according to law. And Whereas said account appears
to be just and according to law
Now therefore it is ordered that said
account amounting to Sixty Nine Dollars and Sixty five
Cents be and the same is hereby allowed.
By the Court
P C Shannon Chief Justice

John McCall alias Jacob McCall Plaintiffs in Error
vs
The United States Defendants in Error

Writ of Error to the Dist Court for the second Judicial District of Said Territory

Argued January 17th 1877. by Oliver Shannon Esqr for plaintiffs in Error, and by Wilkins Bonnel Esqr US attorney, Contra.

It is therefore, this day- the 19th of January A.D. 1877.- all the said premises and the record being, by the whole Court, here, fully known and considered, Adjudged, that the judgment of the said District Court be, and the same is hereby affirmed in all respects; and the Cause, with the record, is remitted to that Court, with order that the said judgment therein rendered be executed.

All the Justices Concurring.

By the Court
P C Shannon Chief Justice

John V Farwell &c
vs Appellants
Pratt & DeWay
Appellees

Appeal from an order of the Judge of the first Judicial District, dissolving an attachment made in the cases, and before any final judgment entered in the case.

Now on this 19th day of January 1877. this cause comes on for hearing on motions of appellee to dismiss the appeal for the reason that no appeal lies from the district to the Supreme Court from an order dissolving an attachment, and the Court being fully advised in the premises, the motions is sustained and the appeal dismissed, and it is ordered and adjudged that appellee recover their costs in this behalf expended

Test &c

By the Court
P C Shannon Chief Justice

All the Judges Concurring

Williams H Holt Respondent
vs
Williams Van Epps Appellant

Appeal from Hennepin County

The appeal from the judgment entered in this action on the 28th day of May 1876. for the recovery of the possession of the property described in the complaint

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U. S. Supreme Court. December Term A.D. 1876. 24th Day of Jan.
Continued

or for $623.66/100 the value thereof in case a recovery cannot be had, and also $60 00/100 damages and $5783 costs and from the order refusing a new trial, having been on this 19th day of January 1877. Heard, it is now on motion of Mr Quigley Esqr for respondent, no one appearing for appellant. — Ordered and adjudged that the said judgment and order be affirmed, with $5 00/100 for $5 00/100 Costs to the respondent, and it is further ordered and adjudged that the respondent recover of the appellant ten per cent on the amount of the judgment as damages for the delay.

By the Court
P C Shannon Chief Justice

All the Justices concurring

And now there being no further business presented this Court is adjourned until 10 o'clock A.M. Tuesday the 6th day of February 1877.

Attest

B S Wilkinson
Clerk

By the Court
P C Shannon Chief Justice

February 6th 1877.

This day Court met at the Court Room in the City of Yankton at 10 o'clock A.M. pursuant to adjournment with the following Officers present & viz.

Hon. P.C. Shannon Chief Justice Presiding
" G.G. Bennett Associate "
William Pound U.S Attorney
J.C. Burleigh U.S Marshal by F.D. Wyman Dept.
B. L. Williams Clerk
Bailiffs
Jas Noonan.

The Court being duly opened the following cause was called.

R. H. Wheatherm
Respondent
vs
R.H. Wilbur and James
Inwerth appellants.

} Appeal from Yankton County District Court.

Act a General Term of the Supreme Court of the Territory of Dakota began and held on the Second Tuesday of December A.D. 1876 at the Court House in the City of Yankton the Capital of said Territory.

Present the Hon. P.C. Shannon Chief Justice and A.H. Barnes & Granville G Bennett Associate Justices

The Appeal from the Judgment rendered in this action on the 14th day of June A.D. 1876 for the sum of three hundred and fifty two Dollars and fifty four cents having been heard at the General Term and argued December 1876, Leon of the Court & it is now on motion of Granville Bennett and Peter H. for the respondent, after hearing G.G. Bennett and C.H. Phelps for the appellants, adjudged that the said Judgment be in all respects affirmed with Costs and Thirty three Cents Costs & Disbursements.

Done in open Court this 7th day of February A.D. 1876.

P. C. Shannon
Chief Justice

Affirmed

P. H. Wheatherm
Clerk

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11. N. Supreme Court. December Term A.D. 1876. 5th Day of Jan.

Continued

George P Waldron, respondent
vs
The Chicago and North Western Railroad Company, appellant

Appeal from Pembina County District Court.

Lewis Bartlett and Waldron, attorneys for respondent.
Jno Chas Shannon, Atty. for appellant.

At a General Term of the Supreme Court of the Territory of Dakota begun and held on the second Tuesday of December A.D. 1876. at the Court House in the City of Yankton the Capitol of said Territory.

Present the Hon P. C. Shannon Chief Justice and A.H. Barnes. & Granville G Bennett associate Justices

The appeal from the judgment entered in this action on the 5th day of September A.D. 1876. for the sum of One hundred and fifteen dollars and Ninety six cents, having been heard at this General adjourned December Term A.D. 1876. of this Court.

It is now adjudged, that the said judgment be in all respects affirmed with Three dollars and Ninety three cents costs to the respondent

All the Justices Concur. —

Term ran open, Court this 6th day of February A.D. 1877.

And now this Court is adjourned until 3 oclock P M. Tomorrow

Attest
H. S. Williams
Clerk

By the Court
P C Shannon Chief Justice

U. S. Supreme Court, December Term A.D. 1876. County of Tom.

Wednesday February 7th 1877.

And now at 3 oclock P.M. Court met pursuant to adjournment with the following officers present.

Hon C.C. Sherman Chief Justice
" G.G Bennett Associate "
William Pound U.S Attorney
J.H. Barnebee U.S Marshal
B.S. Williams Clerk
Bailiff L.P. Edmunds & Jas Noonan

The Court being duly opened the following cases were called.

The County of Jamieson appellant
vs
A.J Fonda. Clerk of the District Court. etc. Respondent

} Appeal from the judgment ~~of~~ ~~the judgment~~ of the District Court of Jamieson County

Opinion of the Court by Sherman Chief Justice.

"We must therefore decide that the moneys collected, after deducting taxable costs of the proceedings not paid by the defendants, be paid by the defendant into the City Treasury to the credit of the Board of Education.

The judgments of the District Court are accordingly reversed, and judgment is directed to be entered against the defendant, in each case, and in favor of the Board of Education of the City of Jamieson, and the cause is remanded with direction to proceed according to this opinion.

By the Court.

Justice Bennett present and Concurring

The County of Jamieson appellant
vs
A.J Fonda Clerk of the District Court etc Respondent

} Appeal from the judgment of the District Court of Jamieson County. Opinion of the Court by Sherman Chief Justice

"We must, therefore decide that the moneys collected,

after deducting taxable costs of the prosecution not paid by the defendants, be paid by the defendant into the City Treasury to the credit of the Board of Education.

The judgments of the District Court are accordingly reversed, and judgment is directed to be entered against the defendant, in each case, and in favor of the Board of Education of the City of Yankton; and the cause is remanded with directions to proceed according to this Opinion.

By the Court

Justice Bennett present and Concurring.

In the Supreme Court of Dakota Territory at an adjourned term thereof begun and held at Yankton on the 12th day of December 1876,

Present Honorable P C Shannon and L. S. Bennett Judges thereof, the following order was made and entered of record, to wit:

Whereas B S Matthews Clerk of the Supreme Court has rendered to this Court an account of his fees at the adjourned December Term 1875 for the June and December Terms 1876 at Yankton with the items thereof, and in the presence of Wm Pound Esq United States attorney, has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated

And whereas said charges appear to be just and according to law. it is hereby ordered that the said account amounting to twenty five dollars and thirty five cents, be, and the same is, hereby allowed.

By the Court
P C Shannon Chief Justice

Term being no further business presented the Court is adjourned without day

By the Court

Attest
B. S. Matthews
Clerk

U. S. Supreme Court, [illegible] 18 [illegible] Day of Term.

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U. S. Supreme Court, Yankton Dakota A.D. 1877. 1st Day of Term.

Tuesday June 26th A.D. 1877.

Be it remembered that on this day, Court met at the Court Room in the City of Yankton Territory of Dakota, pursuant to Law. & of being the fourth Tuesday of June A.D. 1877.

The following officers were present.

Hon P.C. Shannon Chief Justice presiding
" A.H. Barnes Associate Justice
" William Pound U.S. Attorney
J.H. Burdick U.S. Marshal
B.S. Williamson Clerk

Bailiff.
E.E. Burdick

The Court being duly opened, the following proceedings were had. Viz

The Commission from the President of the United States of Hon Peter C Shannon as Chief Justice of the Supreme Court of the Territory of Dakota, dated April 11th 1877. was duly presented in open Court.

Also the following Certificat.

Secretary's Office Yankton Dakota.

I hereby certify that the oath of Peter C. Shannon as Chief Justice of the Supreme Court of the Territory of Dakota was duly taken before John L Pennington Governor of said Territory on the 19th day of April 1877. and was duly Certified and was recorded in this Office the same day as appears from the records thereof.

In Testimony Whereof I have hereunto set my hand and affixed the Great Seal of the Territory of Dakota this 26th day of June A.D. 1877.

Great Seal
Dakota Territory

Geo H. Hanes
Secretary of Dakota Territory.

Filed this 26th day of June A.D. 1877. Canes
G.C. Moody, Co. Recorder of the Seal of this Court, Represents
and records hereon. & this Court. Attest D.S. Griffin Esq
of St Paul in the State of Minnesota & Recorder

S. Supreme Court, June Term A.D. 1877. 1st Day of June.

Continued

bar of this Supreme Court of said State, has business before this Court, at this Term and is now present for that purpose. And the said L. C. Moody Esq now moves the admission of said D. T. Griffin Esq to practice in this Court.

L. C. Moody

Same day, upon Considerations thereof, and in pursuance of the Statute, said Motion is granted, and the proper oath administered to the applicant

By the Court
P. C. Shannon
Chief Justice

United States of America
Supreme Court of Dakota Territory } ss

Be it remembered, That on the 26th day of June in the year of Our Lord one thousand eight hundred and seventy seven, personally appeared before the Honorable Supreme Court of the Territory of Dakota, Henry Scheffer, an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject. And the said Henry Scheffer having thereupon produced to the Court record testimony, showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of said Henry Scheffer, as from the testimony of Henry Hoefs and Fred Scheffer who are known to be citizens of the United States, that the said Henry Scheffer has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same: and the testimony of Henry

U. S. Supreme Court Record Term A.D. 1877. 1st Day of Term

Continued

having complied since the said Henry Schaffer presented himself, and filed his declaration of intention as aforesaid.

It was ordered, That the said Henry Schaffer be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the King of Prussia and Emperor of Germany whereof he was heretofore a subject, which said oath having been administered to the said Henry Schaffer by the Clerk of said Court in open Court it was ordered by the Court that the said Henry Schaffer be admitted to all and singular the rights privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly by

Peter H. Shannon
Chief Justice

~~And Returning that the foregoing is a true Copy of the~~
proceedings ~~of the Court~~

United States of America.

United States Supreme Court
of Dakota Territory

Be it remembered, That on the 26th day of June in the year of our Lord one thousand eight hundred and seventy seven personally appeared before the Honorable Supreme Court of the Territory of Dakota Frederick Rincel a native born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several Acts of Congress, heretofore passed on that subject. And the said Frederick Rincel having thereupon produced to the Court proper testimony, showing that he had heretofore resided and filed his declaration of his intention to become a citizen of the United States, according to the provisions of the said several Acts of Congress and the Court being satisfied, as well from the oath of the said

Frederick Kinsel as from the testimony of Daniel Miller and Ebenezer P. Edmunds who are known to be citizens of the United States, that the said Frederick Kinsel has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same. And two years have elapsed since the said Frederick Kinsel has declared his intention as aforesaid.

It was ordered, that the said Frederick Kinsel be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to Queen Victoria whereof he was heretofore a subject, which said oath having been administered to the said Frederick Kinsel by the Clerk of said Court in open Court, it was ordered by the Court that the said Frederick Kinsel be admitted to all and singular the rights, privileges and immunities of a Naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court under the Seal of said Court, which is done accordingly.

Peter C. Sheemon
Chief Justice

And now in consequence of the absence of Hon. G. G. Bennett Associate Justice. This Court is adjourned until 10 o'clock A. M. June 27th 1872

Attest B. S. Wilkinson
Clerk

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U. S. Supreme Court, Dacus Term A.D. 1877. 27th Day of Jan.
Wednesday Dacus 29th

Court met at 10 o'clock A.M. pursuant to adjournment

Present

Hon P.C. Sherman Chief Justice
A.H. Barnes Assist
" Wilhelm Pannell Ld Attorney
" J.H. Burchett U.S. Marshal
B.L. Wilhelm Clerk

Bailiff
C.B. Burchett

In consequence of the absence of the Hon C.G. Bennett Assist Justice, no business was transacted and the Court was adjourned until 10 o'clock tomorrow morning.

Attest B.L. Wilhelm
Clerk

U. S. Supreme Court, Term, 1877. 2nd Day of Term.
Thursday June 28th

Continued at 10 o'clock A.M. pursuant to adjournment.

Present

Hon. P. C. Shannon Chief Justice
" A. E. Barnes Associate "
" William Pound Esq. U.S. Attorney
" J. H. Benedict " U.S. Marshal
" B. S. Williams Clerk.

Caldiff
C. E. Benedict

Whereupon the following orders were entered of record.

Daniel L. Callinan a first Lieutenant of the 1st Regt of Infantry U.S. Army, presents his petition & this Court with his affidavit appended, showing, that he was heretofore enlisted, in the regular forces of the United States, and was honorably discharged from such enlistment on the 11th day of September A.D. 1863.

And asking to become a citizen of the United States without any previous declaration of his intentions to become such — under Section 2166. of Revised Statutes of the United States.

And the said petitioner having made proof of residence and of good moral character, as therein prescribed and the Court being satisfied by competent proof of his having been honorably discharged as an enlisted Soldier from the Service of the United States — The prayer of the petitioner is granted. And it is ordered that the proper oath be administered to him.

Whereupon the oath of naturalization was duly administered & him in open Court. And he is admitted to become a Citizen of the United States.

United States of America
United States Supreme Court
District of Dakota } ss

Be it remembered, that on the 28th day of June in the year of our Lord one thousand eight hundred and seventy seven, personally appeared before the Court aforesaid the petitioner named in the foregoing record, and applied to be admitted a citizen of the United States of America pursuant to the provisions of the Act of Congress entitled "An Act

U. S. Supreme Court, June Session A.D. 1877. 3rd Day of Jan.

Continued

ing attained, above the age of twenty one years, and applied in proper time to be admitted to become a naturalized Citizen of the United States of America, pursuant to the acts of Congress, on the 17th day of July 1862. and that Subject. And the said Daniel F. Callinan having thereupon produced to the Court his record testimony - showing that he had been entered into the Service of the United States and was honorably discharged according to the provisions of said several acts of Congress. and the Court being satisfied, as well from the oaths of the said Daniel F. Callinan. as from the testimony of Oliver Shannon Esqr who is known to be a citizen of the United States, that the said Daniel F. Callinan has resided within the limits and under the jurisdiction of the United States for at least one year last past, and at least one year last past, within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the constitution of the United States, and well disposed to the good order, well being and happiness of the Same.

It was ordered. That the said Daniel F. Callinan be permitted to take the oaths to support the Constitution of the United States, and the usual oaths whereby he renounced all allegiance and fidelity to any Foreign Prince, Potentate State or Sovereignty Whatever. and more particularly to Victoria Queen of Great Britain & Ireland whereof he was heretofore a Subject, which said oaths having been administered to the said Daniel F. Callinan by the Chief Justice of said Court, it was ordered by the Court that the said Daniel F. Callinan be admitted fully and completely to the rights privileges and immunities of a naturalized citizen of the United States and that the same be certified by the Clerk of this Court, under the seal of said Court which is true according to

By the Court

Peter H. Shannon

Chief Justice

[illegible] on, Candidate. of the absence of Hon
U.S. Bennett Associate Justice. No further business coming
to come before the Court was adjourned until
10 o'clock A.M. tomorrow morning

Attest

[illegible]

Friday June 29th

Court met at 10 o'clock A.M. pursuant to adjournment. with the following officers present.

Hon P. C. Shannon Chief Justice Presiding
" H. G. Barnes Associate " "
" G. G. Bennett " " "
William Pennell Esq. U.S. Attorney
J. H. Burdick U.S. Marshal.
B. S. Williams Clerk
Bailiff
C. E. Burdick

Territory of Dakota
Defts in Error
vs
Peter Bonnigeu
Plaf in Error
} Writ of Error
Pembina District Court
3rd Judicial District

This Cause being brought on for hearing. Hon Corres D. T. Griffin Esqr. counsel for Peter Bonnigeu Plaintiff in Error, read proceeds with his opening argument in behalf of said Plaintiff in Error.

And now at 3 o'clock P.M. this 29th day of June A.D. 1877, comes G. G. Bennett Esqr. Counsel for the People of the Territory of Dakota Defendants in Error in the above cause and proceeds with his argument in behalf of Defts in Error.

And now at 5 o'clock P.M. comes D. T. Griffin Esqr with his closing argument for Plaintiff in Error.

And now at 6 o'clock P.M. this Court is adjourned until 9 o'clock A.M. Saturday June 30th 1877.

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H. S. Supreme Court. Special Term of 1877. 2nd Day of Jan.

Wednesday June 30th

Court met at the Court Room in the City of Jackson

Present

Hon P. H. Shannon Chief Justice
" J. H. Baines Associate "
" G. L. Bennett " "
" William Yerger Esq" U.S. Attorney
" H. Burdett U.S. Marshal
" B. S. Williams Clerk

Bailiff
L. D. Burdett

Clay County
Respondent
vs
R. J. Simmons et al:
Appellants

} Appeal from Union County, afterwards changed from Clay County.

And now this day. to wit June 30th 1877. comes Alexander Hughes Esq. the Counsel for Clay County and proceeds with his argument in behalf of the said Respondent in the above entitled cause.

And now at 5 oclock P. M. this Court is adjourned until 9 oclock on Monday morning July 2nd 1877.

U. S. Supreme Court, Dakota Terr. 2d Jud. Dist. 1877. 6th Day of Term.

Monday July 2nd 1877.

Court met at the Court Room in the City of Yankton D.T. at 9 o'clock A.M. pursuant to adjournment.

Present

Hon. P. C. Shannon Chief Justice
" A.H. Barnes Associate "
" G G Bennett " "
Wilhelm Rounds Esqr U.S. Attorney
J.H. Burdick " U.S. Marshal
B.S. Williams Clerk
C.E. Burdick Bailiff

Court being duly opened the following motion and order was made and entered of record, to wit:

Supreme Court
Dakota Territory

And now this second day of July A.D. 1877
comes Bartlett Tripp & presents to the Court the certificate of Robert B. Tripp & member of the bar of the Second Judicial District Court of said Territory to this Court

Bartlett Tripp

July 2. 1877.

And now, on consideration thereof, and in accordance with the Statute in such case made and provided, the said motion is granted: and thereupon the said applicant having been administered the oath, in open Court, the proper oath according to Law, is permitted to practice as an attorney and Counselor at Law, in this Court.

By the Court
P.C. Shannon
Chief Justice

District of Dakota Territory ss

In the Supreme Court for said District at Yankton the 2nd day of July 1877. Present the Hon. P.C. Shannon Chief Justice and Hon. A.H. Barnes and G.G. Bennett Jr. Associate Justices the following order was made and entered of record, to wit:

Whereas J.H. Burdick Marshal of the United States for this District has returned a writ of

U. S. Supreme Court Term A.D. 1877. 6th Day of Jan.

Continued

ment disbursement — And upon motion of the aforesaid
Term 1876 of Justices of the Supreme Court
after close of fiscal year ending June 30-1876. with the vouchers
and items thereof and in presence of William Penrod Esqr
United States Attorney, has proved on oath, that the Service and Travel therein charged, have
been actually and necessarily performed as therein stated. and
that the disbursements charged have been fully paid in law
ful money: and Whereas said charges appear to be just and
according to Law —

It is hereby ordered that the said account,
amounting to forty two dollars and twenty four cents, be
and the same is hereby approved. ~~by the~~

By the Court
Peter C Shannon
Chief Justice

January 2, 1877. —

United States of America.

United States Supreme Court
of Dakota Territory

Be it Remembered, That
on the 2nd day of July in the year of our Lord one
thousand eight hundred and Seventy seven personally
appeared before the Honorable Supreme Court of the Ter-
ritory of Dakota Sarah Inch an alien born, above the
age of twenty one years, and applied in open Court to be
admitted to become a naturalized citizen of the United
States of America, pursuant to the act of Congress there-
fore passed on the 26th day of May 1824. on that subject.

And the said Sarah Inch having there upon, produced
to the Court record testimony, showing that she had therefore
resided herself and filed her declaration of her native
birth became a citizen of the United States, according
to the provisions of said act of Congress, and the Court
being satisfied, as well from the oath of the said Sarah
Inch as from the testimony of Witnesses Duly and
understandingly sworn and sworn. & becitizen of the
United States, that the said Sarah Inch has resided
within the limits and under the jurisdiction of the Uni
ted States for at least five years next past, and

one year last past within the County of Dekalb, and that during the whole of that time she has behaved herself as a woman of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, Wellbeing and happiness of the same, the said Sarah Irish has filed her declaration of intention as aforesaid.

It was ordered, That the said Sarah Irish be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby she renounced all allegiance and fidelity to every foreign Prince, Potentat, State or Sovereignty Whatever; and more particularly to Victoria Queen of Great Britain & Ireland whereof she was born to be a Subject. Which said oaths having been administered to the said Sarah Irish by the Clerk of said Court, in open Court, it was ordered by the Court that the said Sarah Irish be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly.

By the Court
P. C. Sherman Clerk of Courts

Oglesby County
Respondent
vs
R. J. Simonden et al
Appellants

} Appeal from Union County petition
Venue Changed from Oglesby
County.

1872. Appeal now at 10 o'clock A. M. on July 2nd
Comes Bartlett Tripp Esqr. Counsel for R. J. Simonden et al and proceeds with his argument in behalf of the Appellants in the above cause.

Appeal now at 5 o'clock P. M. comes Alexander Hughes Esqr. and his closing argument in behalf of Oglesby County the Respondent in the above cause

Appeal now at 9 o'clock P. M. this Court is adjourned until 9 o'clock A. M. tomorrow morning

U. S. Supreme Court, Second Term A.D. 1877. 7th Day of Jan.

Tuesday July 3rd

Court met at 9 oclock A.M. pursuant to adjournment

Present

Hon. R.C. Sherman Chief Justice
" A.H. Barnes Associate "
" G.G. Bennett " "
" William Pound U.S. Attorney
" L.E. Bradley U.S. Marshal
" B.L. Williams Clerk
" C.E. Benedict Bailiff

The Territory of Dakota
Plff in Error
vs
Charles Conrad
Deft in Error

This cause having been brought on to be heard. Now comes A.L. Spink Esqr Attorney for Charles Conrad said Plaintiff in error and proceeds with his argument

And now at 10 oclock A.M. comes P.C. Kendall Esqr District attorney for Yankton County with argument in behalf of the People of the Territory

And now comes A.L. Spink Esqr with his closing argument in behalf of said Plaintiff in error

The People of the Territory of Dakota.
vs
Joseph Schaubrand
Plaintiff in Error

And now at 1 oclock and 30 minutes P.M. comes A.L. Spink Esqr one of the attorneys for the said Plaintiff in error in the above cause, and proceeds with his argument.

Continued

And now at 2 oclock and 30 minutes P.M. comes Frank Esqr District attorney for Jefferson County and proceeds with his argument for the People.

And now comes Bartlett Tripp Esqr with closing argument for said plaintiff in error.

Russell B. Gregg
Respondent
vs
James W Evans and
John A Barbour
Appellants

} Appeal (on Stipulation) from Jefferson County.

And now at 4 oclock and 30 minutes P.M. come E.G. Wheeler Esqr one of the Atty. attorneys for the defts in the above cause and proceeds with his argument

And now at 6 oclock P.M. this Court is adjourned until next Thursday the 8th day of Aug 1877 at 9 oclock A.M.

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U. S. Supreme Court, Second Session A.D. 1877. 87th Day of Term.

Thursday July 5th 1877

Now this day viz: July 5th 1877.
Court met at its usual room in the City of Seattle
W.T. at 9 o'clock A.M. pursuant to adjournment.

Present Hon. R.C. Sheeran Chief Justice
" A.A. Barnes Associate "
" G.G. Bennett " "
William Parnell U.S. Attorney
J.H. Benedict U.S. Marshal
B.S. Williams Clerk
C.E. Benedict Bailiff

Rufus B. Grey
vs
James W. Brainard
John A. Benbank

The above entitled cause being called
now comes P.G. Wheeler Counsel for the appellants
and proceeds with his argument

And now at 1 o'clock and 30 minutes comes
J.B. Harris Counsel for Rufus B. Grey the respondent
in the above cause and proceeds with his argument

And now at 4 o'clock P.M. comes E.H. Bucket
Esqr Counsel for James W. Brainard and John A. Benbank
the appellants, with the closing argument

And now at 5 o'clock and 20 minutes
this Court is adjourned until 9 o'clock tomorrow
morning

M. S. Supreme Court [illegible]

[illegible]

Court met at the Court House in the City of Deadwood At pursuant to adjournment.

Present Hon P. C. Shannon Chief Justice
" Hon A. J. C. Barnes Associate "
" E. S. Bennett "
Wilkinson Pierce Esq Atty & Treasy
J. C. Burchett Dir of Printing
B. S. Wilkinson Clerk
C. P. Burchett Bailiff.

The Territory of Dakota
Plff in Error
vs
Peter Barrigan
Deft in Error

Now at This time comes C. C. Moody Esq the counsel for the Territory of Dakota plaintiff in Error and avers that since the argument of this cause at this term he has been furnished with a copy of additional brief of the counsel for plaintiff in Error wherein new matter of Error is alleged not formerly in the former brief, or in the motion for a new trial or arrest of judgment. and thereupon the said Counsel for Plff in Error suggest in writing to the Court and moves that a writ of certiorari be awarded commanding the District Court of Bonhomme County and the Clerk thereof to certify fully and returnable. to this Court forthwith a complete copy of the record & proceedings in said action as the same remains of record in said Court & specially and especially as to the facts stated in said motion, which motion is supported by the affidavit of said Counsel.

Now therefore upon the reading & filing of said suggestion & Motion together with the affidavit in support thereof. It is by the Court ordered that the said writ of certiorari in said action directed to the District Court of Bonhomme County & the Clerk thereof & commanding them to certify & return fully the record & proceedings in said cause & specially & especially as to the facts alleged in said motion, and to [illegible] returnable forthwith to this Court;

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W. H. Shannon's Comm. Court Term C.L.J. 1888. 9th Day of Jan

Continued

C. E. Benedict Plff
and Respondent
If

Wm. H. Gardner and Plff
Gardner Defts Appellants

Appeal from the District Court of Box Elder County

This cause being brought on for hearing upon motion Olive Shannon Esqr. Attorney for Defts and Appellants and proceeds with his argument

And now at 11" o'clock A. M. comes J. A. Semple Esqr one of the attorneys for plaintiff and proceeds with his argument.

And now comes G. G. Snoody Esqr attorney for plaintiff and proceeds with the argument.

And now comes Olive Shannon Esqr with the closing argument in the above cause.

Territory of Dakota. ss.

In Supreme Court of said Territory

First National Bank of
Bennett & Evans
vs
The County of Yankton

And now this Sixth day of July A.D. 1887 comes William Penrod Esq one of the attorney for the said First National Bank of Bennett & Evans, and files this Honorable Court this appeal to the Supreme Court of the United States, from the decision and judgment of the Supreme Court of said Territory rendered in the above entitled cause on the 23rd day of August A.D. 1886. He allowed said First National Bank of Bennett & Evans upon the filing of the appeal bond, and the acceptance of the Chief Justice of said Supreme Court of said Territory for the proceedings to stand as appeal to the Supreme Court of the United States.

Continued

Two Hundred and fifty dollars

William Pound
Attorney for First National
Bank of Bonanza

And now July 6th, 1877. above petition presented
to Court and the appeal allowed

By the Court
P. C. Shannon
Chief Justice

Territory of Dakota

In the Supreme Court for said Territory
at a term thereof begun and held at Yankton on the
26th day of June 1877. Present the Honorable P. C. Shannon
Chief Justice and Associate Barnes and Bennett Judges.
the following order was made and entered of record, to wit:

Whereas J. H. Bonnelich, United States Marshal, has
delivered to this Court an account of his fees and disburse-
ments at and previous to the June term 1877. of
Yankton of this Supreme Court to the close of fiscal year
with the vouchers and items thereof, and in the pres-
ence of William Pound Esq. United States Attorney
has proved on oath, to the satisfaction of this Court
that the services and travel therein charged, have been ac-
tually and necessarily performed as therein stated. and
that the disbursements charged have been fully paid in
lawful money: and Whereas said charges appear to be
just and according to law—

It is hereby ordered that the said account, amounting
fifty six dollars and fifty three cents be and the same
is hereby allowed—

By the Court
P. C. Shannon Chief Justice

In the Supreme Court of Dakota Territory, at a regular
term thereof begun and held at Yankton, on the
26th day of June A.D. 1877.

Present the Honorable Peter C. Shannon
Chief Justice, Hon. A. G. Barnes and Hon. S. L. Bennett Judges Thereof, the
following order was made and entered of record, to wit:

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U. S. Supreme Court, Spruce Term A.D. 1877. 7th Day of Jan.

Continued

Ofhaven B. S Williams Clerk of the Supreme Court has rendered to this Court an account of his fees of the June Term A.D. 1877 at Yankton with the items thereof. and his the affidavit of William Powell Esqr District Attorney, has sworn on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated.

And whereas said charges appear to be just and according to law.

It is hereby ordered that the said account amounting to Twenty five dollars be, and the same is hereby allowed

By the Court

P C Shannon

Chief Justice.

The Territory of Dakota }
vs
Charles Conrad }

Now comes P. K. Faulks Esqr District Attorney for Yankton County & counsel for the Territory with petition and affidavit for writ of Certiorari, and alleging an error or omission on the record in said cause as filed in this Court, and that the said record erroneously shows that the jury were sworn & try the issues herein joined, when in truth they were sworn as follows

"You and each of you do Solemnly Swear that you shall and will diligently try and true deliverance make, between the Territory of Dakota and Charles Conrad the prisoner at the bar, whom you shall have in Charge, and a true verdict render according to the evidence. So help you God"

And praying that a writ of Certiorari may be awarded from this Court commanding said Dist Court of Yankton County and the Clerk thereof to certify fully to this Court a transcript of all the record and proceedings in said action and especially to certify as to the foregoing matter of fact &c.

The said petition being accompanied with the affidavit of the said Dist Attorney and P. K. Faulks Esqr Clerk of the said Dist Court that the said legal notice prescribed by the statutes has duly been served on the

said Jury was sworn by the said Court in favour of the said Charles Bernard the defendant and his counsel and the District Attorney did file the oath as set forth in the said petition

And thereupon L. L. Sparks Esqr. Counsel for the said Charles Bernard the plaintiff in Error, in open Court declared that he had no objection to make to the prayer of the said petition, and that the legal oaths as set forth in said petition was in fact duly administered to the said Jury

Whereupon after hearing and consideration thereof a majority of this Court, to wit, Justices Bacon and Bennett refused to grant the prayer of the said petition and refused to award said writ of Certiorari.

Chief Justice Sherman dissenting from the action of the majority of the Court in the said premises.

The Territory of Dakota
vs
Joseph Schaetzel

Now comes P. C. Faulk Esqr District attorney for Yankton County and Counsel for the Territory with petition and affidavit for writ of Certiorari, and alleging error or diminution of the record in said Cause as filed in this Court, and that the said record erroneously shows that the Jury was sworn to try the issues herein joined, whereas in fact they were sworn as follows:

"You and each of you do solemnly swear that you shall well and truly try and true deliverance make between the People of the Territory of Dakota, and Joseph Schaetzel, the prisoner at the bar, whom you shall have in charge, and a true verdict make according to the evidence, so help you God."

And praying that writ of Certiorari may be awarded from this Court commanding said Dist Court of Yankton County and the Clerk thereof to certify fully to this Court the proceedings in said action and especially to certify as to the before mentioned facts &c:

2 do

H. T. Supreme Court. A.D. 18 . Day of Jan

Continuance

And now to wit. Friday next after the affidavit of the said Plaintiff's Attorney and of Jas. Ford Esqr. to both of the said Defendant Court that the facts legal costs prescribed by the Statutes were duly served upon the said Jury in open Court by the said Constable in presence of the said Joseph Chamberlain the Defendant and his Counsel and the Plaintiff's said Attorney. And the said Joseph Chamberlain the Defendant and his Counsel and the Plaintiff's said Attorney did not appear to try the said issues joined.

And thereupon I Sheriff Esqr Counsel for the said Joseph Chamberlain the Plaintiff in error in open Court declared that he had no objections to make to the passages of the said petition, and that the proper legal costs as set forth in said petitions were not fully duly advertised to the said Jury.

Whereupon after hearing and consideration thereof a majority of this Court, to wit, Justices Barnes and Bennett refused to grant the prayer of the said petitions and refused to grant Supersedeas. Chief Justice Shannon dissented from the action of the majority of the Court in the said premises.

And now at Natchez to wit. This Court is adjourned sine die until tomorrow morning at 9 o'clock.

U. S. Supreme Court, Iowa Term A.D. 1871. 8th Day of Term.

Tuesday A.D. 1871.

Court met at the Court House in the City of Dubuque at 9 o'clock A.M. pursuant to adjournment.

Present

Hon. O. C. Shaw Chief Justice
William Penn Esqr U.S. Attorney
J. H. Benedict " U.S. Marshal
B. S. Williams Clerk
C. C. Edmunds Bailiff

Court being duly opened, and no business being brought for hearing, it is now adjourned until Wednesday the 9th day of August A.D. 1871, at 10 o'clock A.M.

24

U. S. Supreme Court. January Term A.D. 1877. 1st Day of Term.
Wednesday August 1st 1877.

Court met at the Court Room in the City of Yankton D.T. at 10 o'clock A.M. Pursuant to adjournment.

Present

Hon P.C. Shannon Chief Justice
" G.G. Bennett Associate
" J.P. Bancroft " W.F. Brandt "
" B.J. Williams Clerk
" C.P. Edmunds Bailiff

The Court being duly opened the following proceedings were had, to wit:

The Territory of Dakota in Error
vs
Peter Bauneghan Plff in Error

Now at this time the return of the Clerk of the District Court of Bon Homme County to the Writ of Certiorari heretofore issued out of this Court in this cause being here returned into the due Compliance thereunto certified and being now filed in open Court

It is on motion of G.C. Moody Counsel for Plff in Error, ordered that said return & certificate be filed with and made a part of the record in this cause.

By the Court
P.C. Shannon Chief Justice

August 1st 1877.

Henry E Bonesteel Plff &
vs
Ira D Gardiner and H.J. Gardiner Defts and appellants
} Respondents

} Appeal from the District Court of Bon Homme County.

The appeal from the judgment entered in this action on the 29th day of November A.D. 1876, wherein it was adjudged that the Plaintiff was the owner of the property described in the petition and entitled to the possession of the same, and it was further adjudged that the Plaintiff have and retain possession of said property and that the Plaintiff have and recover of the defendant ten dollars damages, and his costs and disbursements in the Court below of Sixty-Nine ($39.33) Dollars and Thirty three cents amounting in the

U. S. Supreme Court, Oct. T. 18 . Orig. & Tem.

Continued

Whole $ July Term (19) Dollars and 33 cents and that
he have execution therefor, saving how stand at this
June Term is now on motion of Garnett Brown and
Moody for respondents & by leave of Owen Stinson Esq.
for appellants ordered that the said judgment
be affirmed with Four dollars and thirty five
cents costs of this Court to respondents, and the
Court below is ordered to carry this judgment into
effect.

Territory of Dakota }
vs.
Charles Conrad }

2,2

U. S. Supreme Court, Spring Term A.D. 1877. 12th Day of Term.
Monday August 20th 1877

Court met at the Court House in the City of Yankton at 10 oclock A.M. pursuant to adjournment

Present

Hon Peter C Shannon Chief Justice
" G. G. Bennett Associate
" John B Raymond Esq U.S. Marshal
B L Williams Clerk.
L. P. Edmunds & L. H. Elliott Backers

The Court being duly opened the following proceedings were had, to wit:

The People of the Territory of Dakota vs Joseph Chartrand } Writ of Error to the District Court of Pembina County

The above entitled cause having been argued before this Court by S. L. Spinks Esq for Defendant in error and by P. C. Sand Esq District Attorney for Pembina County for Defendant in error on the 3rd day of July A.D. 1877 it being the 7th day of the term.

And now this 20th day of August A.D. 1877. it being the 12th day of the term. It is adjudged that the judgment of the District Court of Pembina County be and the same is hereby affirmed, with Costs in this Court amounting to Six (6) Dollars and Five (5) Cents. And the cause remanded to that Court for further proceedings according to Law

Attest
B L Williams
Clerk

By the Court
P C Shannon
Chief Justice

Joseph Chartrand Respondent
vs
Moses W. Scraggs and
Wm. G. Burbeyette
Appellants } Appeal to the District Court of the County of Pembina.

The above entitled cause having been argued before this Court on the 3rd

Continued

and 5th days of July 1877. by E G Merrick Esqr & Jno. Bracket Esqr Attorney for the appellants; — & J B Harris Esqr. Attorney for respondent.

And now this 20th day of August 1877. it being the 12th day of the Term. It is adjudged that the Judgment of the District Court of the County of Minnehaha &c. and the Same is hereby affirmed with the costs of the proceedings in this Court, and the cause remanded to that Court for further proceedings according to Law. Justice A. H. Barnes took no Concurrence

Attest B. S. Wilkinson Clerk

By the Court P C Shannon Chief Justice

Delay County as Respondent
B. J. Simonton Stall Appellant
} Appeal from Union County Dakota Venue Changed from Delay County

The above entitled cause having been argued before this Court on the 30th day of June and 2nd days of July 1877. by A Hughes Esqr Attorney for Respondent and Bartlett Tripp Esqr Attorney for the appellant

And now this 20th day of August 1877. it being the 12th day of the Term. It is adjudged that the Judgment of the District Court of Union County be and the same is hereby affirmed with the costs of the proceeding in this Court and the cause remanded for such other and further proceeding as may be authorized by Law

By the Court
P C Shannon Chief Justice

To which decision of the Court affirming the judgment below the defts except in error Court ..... Bartlett Tripp
Aug. 20th 1877. of Defts Counsel

United States of America
Supreme Court
Dakota Territory } ss.

Be it Remembered that on the 20th day of August in the year of our Lord one thousand

[illegible] Term A.D. 187[illegible] [illegible] of [illegible]

[illegible]

and Naturalized and Sworn Clerk personally appeared before
the Honorable Supreme Court of the County of Salado Joseph
Rotelle who was duly sworn according to law, and being
duly applied for admission to be admitted to become a naturalized
citizen of the United States of America, pursuant
to the several acts of Congress heretofore passed on that subject
And the said Joseph Rotelle having produced satisfactory proof
to the Court by the testimony of Albert Francis and
Joseph Rotelle two witnesses by him duly sworn according to law
that he the said Joseph Rotelle has resided within the limits
of the United States for at least five years last past, and at least
one year last past within the County of Salado, and that during
that time he has behaved himself as a man of good moral character,
attached to the principles of the Constitution of the United
States, and well disposed to the good order, well being and happiness of the
same; and by reason and upon hearing a declaration by the said Joseph
Rotelle renounced & forever abjured all and fidelity to
any and every foreign Prince, Potentate,
State or Sovereignty whatever; and more particularly to Francis Joseph
Emperor of Austria. Whereof he was heretofore a subject, which said
oath and renunciation aforesaid by the said Joseph Rotelle by the Court
aforesaid ordered to be recorded in open Court, it was ordered by the Court that
the said Joseph Rotelle be admitted to all and singular the rights,
privileges and immunities of a naturalized citizen of the United
States, and that the same be certified by the Clerk of this Court, under
the seal of said Court, which is done accordingly.

Granville G Bennett
Clerk District Court

(Seal of the District Court)
Salado County Texas

Name Centered

And I do [illegible] that the foregoing [illegible] is a true and correct [illegible]

U. S. Supreme Court,

O. T. 18 .

Day of Term.

25

25th

U. S. Supreme Court. December Term A.D. 1877. 1st Day of Term
Tuesday December 11th A.D. 1877.

Be it remembered that on this day Court met at the Court Room in the City of Yankton Territory of Dakota. pursuant to law — It being the Second Tuesday of December A.D. 1877.

The following Officers of Court being present.

Hon Peter C Shannon Chief Justice presiding
" A.H. Barnes Associate "
" G.G. Bennett " "
" John B Raymond U.S. Marshal
B J Williams Clerk
L.P. Edmunds & L.H. Elliott Bailiffs.

The Court being duly opened. On the motion of the Commission of Peter Shannon as Chief Justice

Commission of Peter Shannon as Chief Justice

The Commission of Hon Peter C Shannon. as Chief Justice of the Supreme Court for the Territory of Dakota. from the President of the United State of Americes. — dated the 12th day of November A.D 1877. owned for the term of four years from the date of said Commission — was duly presented and read in open Court together with the following Certificate of his qualifying for said Office. to Wit:

United State of Americes }
Territory of Dakota } ss.

Before me the Undersigned the Governor of the Territory of Dakota. personally appeared Peter C Shannon, who took and subscribed the following oath, duly administered by me, as follows:
" I Peter C Shannon, do Solemnly Swear that I have never Voluntarily born Arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, Countenance, Counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought or accepted, nor attempted to exercise the function of any office whatever, under any authority, or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any

pretended Government, authority, power, or constitutions within the United States hostile or inimical thereto. And I do further swear that, to the best of my Knowledge and ability, I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the Office on which I am about to enter. So help me God.

Peter C. Shannon.

Sworn to and subscribed this 22nd day of November A.D 1877. before me

John L Pennington
Governor of the Territory of Dakota

I do hereby certify that the above oath was duly administered by me and taken by the said Peter C. Shannon, under his Commission from the President of the United States dated the twelfth day of November A.D. 1877. commissioning him as Chief Justice of the Supreme Court of said Territory— and the same is duly transmitted to the Secretary of the said Territory to be by him recorded— all of which is done in pursuance of Section 1878 of the Revised Statutes of the United States.

Whereof, with the Great Seal of said Territory affixed, this 22nd day of November A.D. 1877.

John L Pennington Governor

Secretary's Office Dakota Territory

I hereby certify that the foregoing oath of Office was filed for record in this Office this 22nd day of November A.D 1877.

In testimony Whereof I have hereunto set my hand and the Great Seal of the Territory of Dakota this 22nd day of November A.D. 1877.

Geo H. C. Hamed
Secretary of Dakota Territory

U. S. Supreme Court, December Term A.D. 1877. 1st Day of Term.

Continued

And thereupon it is ordered that a record of the said Commission and of the qualifications of the said Peter C Shannon as Chief Justice of this Court, be made and entered upon the minutes.

By the Court
Peter C Shannon Chief Justice

Russell B Grey
vs
Jas W Bowers and
John A Barbank

No (41)
Appeal from the County of Pembina.

Petition for a rehearing was duly presented and read in open Court by E G Wheeler Esqr attorney for Appellants. And now comes C B Davis Esqr attorney for Russel B Grey the respondent and moves to dismiss the said petition for the reason that the same does not contain sufficient matter or substance to authorize this Court to grant the prayer thereof, the same being merely allegations that this Court erred, and not showing any points or authorities overlooked by said Court, and hence as a remedy or proceeding has been since the District Court

C B Davis Atty for Respondent

The Territory of Dakota
vs
Peter Baumgarten

In Supreme Court D.T.
Dec. Term 1877.

Now on this 11th day of December 1877. being the first day of said Term. this cause comes on for hearing, on motion of W W Bowers Esqr. of Counsel for Defendant for leave to file an additional brief in this cause, which motion is granted. And it is ordered that a copy of the brief of Counsel on behalf of the Territory and defendant, be furnished this Court and each Justice within twenty days from this date and this cause is continued to the 3d Tuesday it being the 15th day of January A.D. 1878

By the Court
Peter C Shannon Chief Justice

And now at 4 o'clock and 30 minutes P.M. this Court is adjourned until 9 o'clock tomorrow morning

U. S. Supreme Court, December Term A. D. 1877. 3rd Day of Term.
Wednesday December 12th 1877

Court Room at the Court House at Yankton D.T. pursuant to adjournment.

Present Hon Peter C Shannon Chief Justice Presiding
" " A H. Barnes Associate
" " S. S. Bennett
J R Gamble Esq Pros't Att'y.
John B Raymond U. S Marshal
B S Williams Clerk
L P Edmunds & M Phelps Bailiffs.

Court being duly opened the following cause was taken for hearing

The Territory of Dakota
ex. rel.
Charles H McKinney
Respondent
vs.
Otto Wolfgramm et al Petrs
& W Lauderdale & Jos A Howard
Appellants

} Appeal from Lawrence County

It is hereby stipulated and agreed in open Court by and between the parties hereto that exceptions were duly taken at the proper times by defendants Petrs & Howard after making of the Court ordering that a peremptory writ of Mandamus issue herein.

Now comes S. C. Moody Esqr and presents his argument for the Plaintiff in the above cause.

And now at 11 o'clock A. M. comes Bartlett Sloan Esqr and proceeds with his argument for the respondent.

And now at 3 o'clock P. M. comes J. R. Gamble Esqr one of the attorneys for respondent and to the closing argument in behalf of said Respondent

And now at 4 o'clock and 30 minutes P. M. S. C. Moody Esqr with the closing argument in behalf of the appellants herein.

District of Dakota Territory ss

In the Supreme Court for said District, at a Term thereof begun and held at Yankton on the eleventh day of December 1879.

Present: the Honorable P. C. Shannon Chief Justice, and Associates A. H. Barnes and G. G. Bennett Judges the following order was made and entered of record, to wit:

Whereas, James H. Burdick late, United States Marshal has rendered to this Court an account of his fees and disbursements for services in the October Term 1879 of the District Court, in the Counties and Terms thereof, and in behalf of, Jno R. Gamble Esqr Assistant United States Attorney, has proved on oath, to the satisfaction of the Court, that the services and travel therein charged, have been actually and necessarily performed as therein stated and that the disbursements charged have been fully, fairly, and lawfully made; and Whereas said charges appear to be just and reasonable & clear— It is hereby ordered that the said account amounting to Nine hundred and twenty dollars and twenty cents, be and the same is hereby approved.

A. H. Barnes
Associate Justice Supreme Court

And now at 6 o'clock P.M. this Court is adjourned until 10 o'clock tomorrow morning

Attest B. S. Williams
Clerk

U. S. Supreme Court, December Term A.D. 1877. 5th Day of Term.

Thursday December 13th 1877.

Court met at the Court Room at 10 o'clock A.M. pursuant to adjournment

Present

Hon Peter C Shannon Chief Justice
" G G Bennett Associate "
C. P. Edmunds Dept U S Marshal
A. F. Gamble Assistant U S Attorney
W A Williams Clerk
D H. Elliott Bailiff

The Court being duly opened the following order was made and entered of record.

Whereas A. F. Gamble assistant United States Attorney has rendered to this Supreme Court of Dakota the foregoing account of his services and attendance at this December Term 1877 of this Court and has proved on oath the Satisfaction of this Court that the services and attendance therein charged have been actually and necessarily performed by him as therein stated.

And whereas said account appears in all things to be just and true and according to law.

Now therefore, it is ordered by this Court that said account amounting to Ten dollars, be and the same is hereby approved.

Done in open Court at the Court Room in the City of Yankton this 13th day of December A.D. 1877.

By the Court
Peter C Shannon
Chief Justice presiding

In the Supreme Court
of Dakota Territory

A special term thereof began and held at Yankton on the 11th day of December A.D. 1877.

Present the Honorable Peter C Shannon and Grenville G Bennett Judges thereof: the following order was made and entered of record to wit:

U. S. Supreme Court, December Term A.D. 1877. 2nd Day of Term.
Continued

Whereas B. S. Williams Clerk of the Supreme Court has rendered to this Court, an account of his fees as the Supreme Court for the June Term 1877 and a part of the December Term 1877 at Jacksonville with the items thereof, read in the presence of John R. Scarbrough Assistant United States Attorney has proved on oath to the satisfaction of this Court that the services therein charged have been actually and necessarily performed as therein stated.

And whereas said charges appear to be just and according by Law

It is hereby ordered that the said account amounting to Fifty two (52) dollars and Eighty five cents be! and the same is hereby allowed

By the Court
Peter L. Sherman
Chief Justice

And now at 12 oclock M. this Court is adjourned until 10 oclock A.M. on Thursday the 27th day of December A.D. 1877.

By the Court
Peter L. Sherman
Chief Justice

Attest B. S. Williams
Clerk

U. S. Supreme Court. December Term 1877. 4th Day of Term.

Thursday December 27th 1877

Court met at the Court Room in the City of Frankfort at 10 o'clock A.M. pursuant to adjournment

Present Hon P H. Shannon Chief Justice
" " G G Bennett Associate
" " H J Campbell Do
J Stoll Reporter W S Bradshaw
R S Williams Clerk
C P Edmunds & D H Elliott Bailiffs

The Court being duly opened the following proceedings were had, to wit:

The Territory of Dakota
Et al.
Charles H McKinney
Appellant
vs
Hiram A Heard
Appellant

No (421)

Opinion of the Court by Bennett Justice

The above entitled cause having been argued before this Court by G. C. Moody & S. L. Spink Esqs for Appellant and B Shipp & J K Gamble Esqrs for Respondents, on the 12th day of December 1877 it being the second day of the Term.

And now this 27th day of the December 1877 it being the 4th day of the Term. It is adjudged that the judgment of the District Court of Lawrence County &c, and the Decree is hereby affirmed with the costs of the proceedings in this Court, and the cause remanded for such other and further proceedings as may be authorized by law. — All the Justices concurring.

By the Court
P H Shannon Chief Justice

Rupert B. Bingo
vs
Hiram A Barnes et al
Notice of Appeal

Filed on this 27th day of December 1877 Counsel for appellee waives his appearance

U. S. Supreme Court, December Term A.D. 1877. 4th Day of Term.
December 27th 1877. Continued

Whereupon petition, and it appearing to the Court that the petition was not filed within the time prescribed by the rules of this Court, the same is dismissed.

By the Court

Peter H. Stephenson Chief Justice

Territory of Dakota
In Supreme Court
Ransell B. Gray
vs
James M. Evans et
John C. Bentley

And now on this 27th day of December A.D. 1877, comes E.G. Wheeler one of the attorneys for said defendants James M. Evans and John C. Bentley and prays this Court upon the affidavit of James M. Evans and W.W. Brierly showing that the property in controversy herein is of the value of One thousand dollars and upwards that an appeal to the Supreme Court of the United States from the decision and judgment of the Supreme Court of said Territory rendered in the above entitled cause on the 20th day of August A.D. 1877. be allowed said James M. Evans and John C. Bentley defendants aforesaid. Upon their filing an undertaking with the acceptance of the Chief Justice of the Supreme Court of said Territory for the prosecution of said appeal to effect and the payment of costs herein in the sum of two hundred and fifty dollars

Dated Yankton Dec 27th 1877.

E.G. Wheeler
attorney for said defendants

District of Dakota Territory } ss

On the Supreme Court for said District, at a term thereof begun and held at Yankton on the Eleventh day of December 1877. Present: the Honorable P.C. Shannon Chief Justice & G.G. Bennett Associate Judge, the following order was made and entered of record, to wit,

Whereas, Jas B Reynolds, United States Marshal has rendered to this Court an account of his fees and disbursements in and previous to the

U. S. Supreme Court, December Term A.D. 1877. 27th Day of June.
Dec 27th 1877

Continued

December Term 1877. At Chambers of the Justice of the United States Supreme Court, within the Northern District of Iowa and in the presence of Hugh J. Campbell, United States Attorney, has proved on oath to the Satisfaction of the Court, that the Services and Travel therein charged, have been actually and necessarily performed as therein stated, and that the Disbursements charged, have been fairly paid, in lawful Money; and Witness said Charges appear to be just and according to law——

It is hereby ordered that the said account, amounting to Eighty four dollars and Seventy seven cents be and the same is hereby approved.

By the Court
Peter H Shannon Chief Justice.

And now this 27th day of December A.D. 1877. comes J. H. Burdick late United States Marshal in person and by his Attorney J. B. Gamble, and presented this account of the late Deputy U.S. Marshal & the Oath which account had been heretofore filed May 13th 1877 approved in the United States District Court except the Sum of $6.99/100 and also presents to this Court additional proofs, viz. the affidavits of said H. H. Cook Wm Keeper, John F. Thompson & Wm P. Squires, together with the affidavit of said J. H. Burdick, and a letter of the late U.S. Attorney Wilkinson Penned
And this Court after receiving said account and affidavits and letter in support thereof, refers all of the same to H. J. Campbell U.S Attorney for examination and report thereon
Whereupon the Court takes a recess until 2 o'clock P.M.
And now same day at 2 P.M. the Court comes pursuant to adjournment, Whereupon H. J. Campbell U.S. Attorney appears and files a report in writing referring to this Court among other things that said account proper and correct therefore and the additional proofs and letter of the late U.S Attorney Wm Penned according to law the Sum of $6.99/100 is just and according to law.
(See certified copies inside)
And the Court upon due consideration thereof and of all the proofs and affidavits herein approves and endorses the following order of reference.

U. S. Supreme Court, December Term A. D. 1877. 4th Day of Term.
Dec 27th 1877.
Continued

Territory of Dakota
In Supreme Court for said Territory at a general
term thereof begun and held at Yankton on the 11th day of
December A.D. 1877.
Present the Hon Peter C Shannon Chief Justice and Granville
G Bennett Associate Justice presiding the following order
was made and entered of record

Whereas James H Burdick as United States Marshal died on the 13th
day of May 1876 under the District Court of the United States for
the Second District of Dakota Territory an account of his fees and dis-
bursements at and previous to April Term 1876 of said District
Court at Yankton with vouchers and items thereof, since whereas
said account was then and there duly approved and allowed except
the sum of Six hundred and ninety nine 69/100 dollars in the ac-
count of Deputy Marshal H. C. Cash wherein he claimed One thou-
sand and forty five 25/100 Dollars for actual expenses in the ac-
count of said Deputy, which sum of Six Hundred and ninety
Nine 69/100 Dollars was not then allowed by the Court, and
Whereas said J. H. Burdick has since that time presented additional
proof of the justice and legality of such account, and has presented to
this Court in the presence of H. J. Campbell United States attorney the af-
fidavits of said H. C. Cash Wm Leeper A. M. Wright W. P. Lyndon and
John J. Thompson and also his own affidavit each duly verified and
Whereas Wm Pound Esq United States attorney by letter dated September
7th 1877. represented to the Court that said account and charge of Six hundred
and Ninety Nine 69/100 Dollars are just and according to law, and that all the
services therein charged were necessary and Whereas the said H. J. Campbell
U. S Attorney appears to this Court from an examination of the ad-
ditional proofs herein that said sum of Six Hundred and Ninety Nine
69/100 Dollars in said account of H. C. Cash is justly and according to law.
It is hereby ordered that said sum of Six hundred and Ninety Nine 69/100
Dollars in the said account of H. C. Cash be and the same is hereby approved in
so far as this Court has any power to do so. Done in open Court
this 27th day of December A.D. 1877. By the Court
P. C. Shannon Chief Justice
Granville G Bennett Assoc Justice

Adjourned at 3 o'clock and 30 minutes this Court is adjourned
until Thursday the 15th day of January A.D. 1878
at 10 o'clock A. M.
By the Court
P. C. Shannon Chief Justice

Filed
B. J. Williams Clerk

U. S. Supreme Court, December Term A. D. 1877. 2nd Day of Jan.
January 15th 1878

Court met at the Court Room in the City of Jeanette at 10 o'clock A. M. pursuant to adjournment.

Present

Hon P C Shannon Chief Justice
B. S. Williams Clerk
L. P. Edmunds & H. Elliott Bailiffs

And now in consequence of the absence of Specials Justices Barnes & Bennett this Court is adjourned to this Thursday the 24th day of January A.D. 1878 at 10 o'clock A.M.

U. S. | Supreme Court. December Term A.D. 1877. | 6th Day of Term.
January 24th A.D 1878.

Court met at the Court Room in the City of Jamestown at 10 o'clock A.M. pursuant to adjournment.

Present

Hon Peter Sharpe Chief Justice
John B Reynolds U.S Marshal by C.O. Edmunds Deputy
B.S Williams Clerk
Lt. Elliott Bailiff

The Court being duly opened

And now in consequence of the absence of special Justices Bierce & Bennett the Court is adjourned until Thursday the 31st day of January A.D. 1878 at 10 o'clock A.M.

By the Court
P. Sharpe C.J.

U. S. Supreme Court, December Term A. D. 1877. 1st Day of Term.

January 31st 1878

Court met at this Court Room in the City of Jackson at 10 o'clock A.M. pursuant to adjournment.

Present

Hon Peter C Stevenson Chief Justice
" Granville G Bennett assoc
John B Reynaud U S Marshal by L H Elliott Deputy
B L Williams Clerk

The Court being duly opened the following proceedings were had to Wit:

Otto Uhlig vs A G Garrison and Garrett Anderson } Appeal from Lawrence County
Motion to dismiss the appeal

Now comes J R Gamble Esqr attorney for respondents in the above cause with his argument for the dismissal of the appeal

And now comes B Bishop Esqr attorney for the appellants in the above cause with his argument opposing the dismissal.

And now J R Gamble Esqr waives the closing argument.

And now at 1 o'clock P.M. this Court is adjourned until Monday the 4th day of February A D 1878 at 10 o'clock A.M.

By the Court
P C Stevenson Chief Justice

Attest B L Williams Clerk

45

U. S. Supreme Court. December Term A.D. 1877. 8th Day of Term.

February 4th 1878

Court met at the Court Room in the City of Washington at 10 o'clock A.M. pursuant to adjournment.

Present

Hon Peter V. Thornton Chief Justice
" G G Bennett Associate "
" John B. Reynolds U.S. Marshal
" B S Williams Clerk
" P Edmunds & L McElliott Bailiffs

The Court being duly opened the following proceedings were had, to wit:

Rufus B. Grey
vs
James W Weems and
John C Bradbent
} Appeal from Jefferson County

Motion for allowance of an appeal having been heretofore filed in this Court on the 27th day of December A.D. 1877. And now on February 4th 1878 the above with the accompanying affidavits of J.M. Evans and W.W. Brooking showing that the value of the property in controversy is two thousand dollars ($2000.00) in the presented is opened Court and the appeal to this Supreme Court of the United States is hereby allowed, a proper bond having been filed and approved.

Attest B S Williams
Clerk

By the Court
Peter V Thornton Chief Justice

Territory of Dakota }
In Supreme Court } adjourned December Term A.D. 1877.

Otto Luthy Plaintiffs
vs & Respondents
A.G. Garrison and Garrett
Anderson defendants &
Appellants
} Motion of respondents to dismiss the appeal.

Per Curiam

This is a general summons the Grand Jury are correct but this is an adjourned one.

evidently coming within the rule laid down in the Second Subdivision of Section 1402 of the Code of Civil Procedure. From the affidavits before us it appears that the appellants and their attorneys have acted in good faith, and that the omissions were entirely by reason of the Judge below acted in any other manner than was proper and just, under the circumstances in giving further time for the settlement of the bill of exceptions after the appeal had been taken. Unquestionably the better practice is for the appellant to ask time to perfect his bill of exceptions and to stay all proceedings until that be accomplished before taking the appeal: but in a case like this we cannot say appellants apparently guided by honest motives and due diligence by dismissing their appeal and burdening them in costs.

This motion is therefore denied with costs to abide the result of the appeal

Feb 4th 1878. By this Court
Peby C Shannon Chief Justice

And now this Court is adjourned until Wednesday the 6th day of February A.D. 1878 at 10 o'clock A.M. of said day

Attest W B Hall Clk

By the Court

U. S. Supreme Court. December Term A.D. 1877. 9th Day of Term.
Wednesday February 6th 1878

Court met at the Court House in the City of Yankton at 10 o'clock and 30 minutes pursuant to adjournment

Present

Hon P C Shannon Chief Justice
" G G Bennett Associate "
" H Campbell US Attorney
John B Raymond US Marshal
B S Williams Clerk
L H Elliott Bailiff.

The Court being duly opened the following proceedings were had, to Wit:

The People of the Territory of Dakota
vs
Peter Bonnejeau

Writ of error to the District Court of Bonhomme County

Opinion of Court by Bennett Justice

The above entitled cause having been heretofore argued before this Court by D. S. Griffin Esqr Counsel for Plff in Error and G. C. Moody Esqr for Defts in Error at the June Term of this Court, to wit the 27th day of June A.D. 1877.

And now this 6th day of February A.D. 1878. It is hereby adjudged that the Judgment of the District Court of Bonhomme County be, and the same is hereby reversed and the cause remanded to that Court for a new trial.

Justice Bennett concurring in the undersigned of the Judgment but dissents to the other points.

By the Court
P C Shannon Chief Justice

Attest B. S. Williams Clerk

District of Dakota Territory ss

In Supreme Court for said District at a term thereof begun and held at Yankton on the eleventh day of December 1877. Present: the Honorable P C Shannon chief Justice and G G Bennett associate justice. Judges the following order was made and entered of record. D W.F.

Whereas. James H Burbick late United States Marshal has rendered D this Court an account of his fees and disbursements previous D the September Term 1877 of the United States District Court with the vouchers and items thereof, and in the presence of Heath J Campbell Esqr. United States attorney, has proved on oath. D the Satisfaction of this Court that the services and work therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money: and whereas said charges appear D be just and according D law —

It is hereby ordered that the said account, amounting to forty seven dollars and fifty cents be and the same is hereby approved.

By the Court

Attest B J Williams
Clerk

P C Shannon Chief Justice

In the Supreme Court of Dakota Territory at a term thereof begun and held at Yankton on this 11th day of December 1877. Present the Honorable Peter C Shannon and Granville G Bennett Judges thereof the following order was made and entered of record D Writ

Whereas B J Williams Clerk of the Supreme Court has rendered D this Court an account of his fees at the December Term of Court A.D. 1877. with the items thereof, and in the presence of Heath J Campbell Esqr United States attorney has proved on oath D the Satisfaction of the Court that the services therein charged have been actually and necessary performed as therein stated.

And whereas said charges appear D be just and according D law —

It is hereby ordered that the said account amounting D Sixty four Dollars and twenty five Cents be and the same is hereby approved

Attest B J Williams
Clerk.

By the Court
P C Shannon Chief Justice

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U. S. Supreme Court, December Session A.D. 1878. 9th Day of Jan.

Continued

District of Dakota Territory. ss.

On the Supreme Court for said District at a term thereof begun and held at Yankton on the eleventh day of December 1877. Present the Honorable P C Shannon Chief Justice and Associate G G Bennett Judges, the following order was made and entered of record D W C.

Whereas John B Raymond United States Marshal has rendered & this Court an account of his fees and disbursements subsequent D the September term 1877. at Fargo of the United States District Court, with the vouchers and items thereof, and in presence of Hugh J Campbell United States Attorney, has proved, on oath, D the satisfaction of the Court that the services and travel therein charged have been actually and necessarily performed as therein stated and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear D be just and according D law —

It is hereby ordered that the said account amounting D Eleven hundred & thirty three dollars and forty Nine Cents be and the same is hereby allowed.

By the Court

P C Shannon

Chief Justice

District of Dakota Territory ss.

On this Supreme Court for said District at a term thereof begun and held at Yankton on the Eleventh day of December 1877. Present: The Honorable P C Shannon Chief Justice & Associate G G Bennett Judge, the following order was made and entered of record D W C. Whereas Jno B. Raymond, United States Marshal, has rendered D this Court an account of his fees and disbursements subsequent D the September & November terms 1877. at Fargo of the United States District Court, with the vouchers and items thereof, and in presence of Hugh J Campbell Esq United States Attorney, has proved, on oath, D the satisfaction of the Court, that the services and travel therein charged have been actually and necessarily performed as therein stated and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear D be just and according D law —

It is hereby ordered that the said account amounting D four hundred & fifty four dollars and Twelve cents be and the same is hereby approved.

By the Court

P C Shannon

Chief Justice

U. S. Supreme Court, December Term A. D. 1878. 9 Day of Jan.

Continued

District of Dakota Territory ss.

In the Supreme Court for said District at a term thereof begun and held at Yankton on the Eleventh day of December 1878. Present: the Honorable P C Shannon chief Justice & afsoc G G Bennett Judge the following order was made and entered of record. D W.T.

Whereas Jno B Raymond. United States Marshal has rendered to this Court an account of his fees and disbursements incident to this September term 1877. at Sheridan of the United States District Court with the vouchers and items thereof and affidavit of Hugh J Campbell United States attorney has proved on oath to the Satisfactions of this Court that the services and travel therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law— It is hereby ordered that the said account amounting to Twenty Nine hundred & twenty seven dollars and thirty three Cents be, and the same is hereby approved. By the Court

P C Shannon
Chief Justice

United States of America
Territory of Dakota
Supreme Court } ss

Whereas Hugh J Campbell US attorney has rendered to this Court the foregoing account of his services during the period named and has proved on oath to the Satisfaction of this Court that the services therein charged have been actually and necessarily performed by him as therein stated, and whereas said account appears in all things to be just true and according to law— It is ordered that said account amounting to Two Hundred & Eighty Dollars be and the same is hereby approved and allowed. Done in open Court at the Court House in the City of Yankton in said District this thirty day of January A D 1878. By the Court

P C Shannon. Chief Justice

And now there being no further business presented the Court is now adjourned without day

Peter C Shannon
Chief Justice

Attest B. S. Willgoos
Clerk

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U. S. Supreme Court, June Term A.D. 1878. 1st Day of Term.

Tuesday June 25th 1878.

And now this 25th day of June A.D. 1878. it being the 4th Tuesday of said month and the day appointed by law for commencing a term of this Court at Jacksonville in said District, there are present in the Court House in the said City of Florida the following officers of said Court

Honorable Peter C Shannon Chief Justice
Benjamin L Williams Clerk.
D. H. Elliott Bailiff.

The Honorable Hewson M Barnes and the Honorable Granville G Bennett, Associate Justices being absent, the Chief Justice made the following order, to wit:

And now this 25th day of June, A.D. 1878— it being the fourth Tuesday of said month— and the day appointed by law for the holding of a term of this Court— and the said Associate Justices being absent, it is ordered that this said June Term of this Court, be and the same is hereby adjourned to Monday the first day of August, A.D. 1878. at ten o'clock in the forenoon of said day.

Attest B. L. Williams
Clerk

Peter C. Shannon
Chief Justice

U. S. Supreme Court, Sioux Falls D. D. 1878. 2nd Day of Term.

Thursday August 1st 1878

Present & adjournment, Commencement of the Court Room in the City of Deadwood D. T. as follows:

Present Honorable Peter C. Shannon Chief Justice
B. S. Williams Clerk

And the said Special Justices being still absent, the Chief Justice made the following order to wit:

And now this first day of August A.D. 1878. the Special Justices of this Court not appearing, it is ordered that this said Sioux Falls term of this Court be, and it is hereby adjourned to Thursday the 8th day of August, 1878 at eleven o'clock in the forenoon.

Peter C Shannon
Chief Justice

Attest B. S. Williams
Clerk

Monday August 5 1878.

Pursuant to adjournment, Court met at the Court Room, in the City of Yankton D.T. as follows —
Present Honorable Peter C Shannon Chief Justice
B S Williams Clerk

And the said appointed Justices not having yet arrived, the Chief Justice made the following order:
Viz

And now this 5th day of August, 1878 the appointed Justices of this Court not appearing, it is ordered that this term of June Term, 1878 of this Court, be and it is hereby adjourned until Wednesday August 7th, 1878 at eleven o'clock in the forenoon of said day.

Peter C Shannon
Chief Justice

Attest B S Williams
Clerk

June Term 1878

Wednesday August 7th 1878. 4th day of Term

Pursuant to adjournment Court met at the Court Room in the City of Yankton D.T. as follows:
Present
Hon Peter C. Shannon Chief Justice
B S Williams Clerk
L P Edmunds Bailiff

And now said appointed Justices not having yet arrived the Chief Justice made the following order, Viz:
And now this 7th day of August 1878 the appointed Justices of this Court not appearing it is ordered that this said June Term 1878 of this Court be and it is further adjourned to Thursday the 12 day of August 1878 at 11 o'clock A.M. in the forenoon of said day

Peter C Shannon
Chief Justice

Attest B S Williams
Clerk

U. S. Supreme Court, June Term A. D. 1878. 5th Day of June.
Monday August 12th 1878.

Pursuant to adjournment Court met at the Court Room in the City of Yankton D.T. as follows—
Present
Honorable Peter C Shannon Chief Justice
" Granville G Bennett Associate "
B S Williams Clerk
Jno B. Raymond Marshal by L P Tolmie Deputy—

The Court being duly opened the following motion and order was entered of record. to wit:

In Supreme Court
Territory of Dakota } In the matter of the application of Charles M Leary to practice in the Supreme Court D.T.

And now this 12th day of Aug 1878. comes John R Gamble Esqr and moves this Hon Court that Charles M Leary be admitted to practice as an attorney and counsellor in the Supreme Court of the Territory of Dakota, and herewith submitted a proper Certificate of admission as an attorney of the District Court of this Territory in the Second Judicial District thereof.

John R Gamble attorney

And Court day on consideration thereof, said motion is granted, and the applicant having taken the oath in open Court the oath prescribed by law. he is duly admitted to practice as an attorney and counsellor at law in the Supreme Court of the Territory of Dakota.

Done in Open Court this 12th day of August 1878

By the Court
Peter C Shannon Chief Justice

In Supreme Court
Territory of Dakota } In the matter of the application of Frank J Washabaugh to practice in Supreme Court D.T.

And now this 12th day of August 1878 comes John R Gamble and moves this Hon. Court that Frank J. Washabaugh be admitted to practice as an attorney and Counselor at law in the

U. S. Supreme Court. John Lee et al. 1878. 5th Day of Term.
Continued

Supreme Court of the Territory of Dakota and hereby presents the record of his admission as an attorney in the District Courts of this Territory in the several Judicial Districts thereof.
John R Gamble attorney

And Lewis deny, on consideration thereof, said motion is granted; and the applicant having taken in open Court the oath prescribed by law he is duly admitted to practice as an attorney and Counselor at law in the Supreme Court of the Territory of Dakota.
Done in open Court this 12th day of August A.D. 1878.
By the Court
Peter C Shannon
Chief Justice

Thereupon no further business presented to the Court. and especially Justice Bonner, being still absent. It is ordered that this Court be adjourned until tomorrow Tuesday the 13th day of August 1878 at 11 o'clock in the forenoon
Peter C Shannon
Chief Justice

U. S. Supreme Court, Term Sept. A.D. 1878. 6th Day of Term.
Tuesday August 13th 1878

Pursuant to adjournment Court met at the Court Room in the City of Hunstsville D.T. as follows
Present
Honorable Peter C Shannon Chief Justice
Granville G Bennett Sheriff.
Jno "B Reynard Marshal by W.P. Edmunds Deputy
B S Williams Clerk

And it appearing to the Court that Associate Justice Baines will not be in attendance until Saturday morning next.
It is ordered that this Court be adjourned until said day. D.W.T. August 17th 1878 at 10 o'clock in the forenoon

By the Court
Peter C Shannon C.J.

Saturday August 17th 1878.

Pursuant to adjournment hereof court met at the Court Room in the City of Yankton D.T. as follows:

Present

Honorable Peter C Shannon Chief Justice
" Alanson H Barnes Associate "
" Granville G Bennett " "
" John B Raymond W S Needham by C P Clements Dpty

B S Williams Clerk
S H Elliott Bailiff

The Court being duly opened the following motion and order was entered of Record, to Wit:

In Supreme Court
Territory of Dakota } ss.

In the matter of the application of Col Williams H Parker for admission to practice in the Supreme Court

And now this 17th day of August A.D. 1878 comes G C Moody an attorney & counselor of this Court and moves this Honorable Court, that Williams H Parker Esqr of Lawrence County Dakota be admitted a member of the bar of the first Judicial District Court of this Territory to practice as an attorney and Counselor at Law in this Supreme Court G C Moody Esqr Attorney

And now the same day the above motion coming on to be heard, on consideration thereof said motion is granted, And the said applicant Williams H Parker having been heretofore admitted to the bar of the first District, and having taken in open Court the oath prescribed by law, he is duly admitted to practice as an attorney and counselor at law in this Court.

Done in open Court this 17th day of August A.D. 1878

Attest B S Williams
Clerk

By the Court
Peter C Shannon
Chief Justice

In the Supreme Court
Territory of Dakota }

In the matter of the application of Levi B French to practice in the Supreme Court.

And now This 17th day of August 1878 comes G. C. Moody Esq and moves this Honorable Court that Levi B French be admitted to practice as an attorney and counselor at law in the Supreme Court of this Territory of Dakota, and herewith submits that the said Levi B French is admitted to practice as an attorney in the Second Judicial District of the Territory of Dakota

G. C. Moody Esqr
attorney at Law

And the same day on consideration thereof, said motion is granted, and this applicant having taken the oaths prescribed by law, he is duly admitted to practice as an attorney and Counselor in the Supreme Court of the Territory of Dakota

Done in open Court this 17th day of August A. D. 1878

By the Court
Peter C. Shannon
Chief Justice

Alton White
Plff Respondents
vs
A. G. Garrison et al
Appellants } Appeal from Lawrence County

Now comes Bartlett Tripp Esqr and proceeds with his argument for the appellants in the above cause

And now at 6 o'clock P.M. Court is adjourned until Friday the 19th day of August AD 1878 at 9 o'clock A.M. of the forenoon.

U. S. Supreme Court, June Term A.D. 1878. 8th Day of Term.

Monday August 19th 1878.

Pursuant to adjournment Court met at the Court Room in the City of Hunstville at 9 o'clock A.M.

Present

Honorable Peter C. Shannon Chief Justice
" Hanson H Barnes Associate "
" Granville G. Bennett " "
Hugh J. Campbell U.S attorney
John B Reynolds U.S Marshal by P Edmunds Dpty
B. S. Williams Clerk
L.H. Elliott Bailiff

The Court being duly opened the following proceedings were had. &Wit.

Otto Ehlig
Plff/Respondent
vs
A.G Garrison et al
Defts/Appellants
} No (461)
Appeal from Lawrence County

Now comes B Sheffield and continues his argument for the appellants in the above cause.

And now at 10 o'clock A.M. comes J. R. Gamble Esqr and proceeds with his argument for the Plff and Respondents

And now at 6 o'clock P.M. Court is adjourned until Tuesday the 20th day of Aug 1878 at 9 o'clock A.M.

U. S. Supreme Court, June Term A. D. 1878. 2nd Day of Term.

Tuesday August 20th 1878.

Court met pursuant to adjournment at the Court Room in the City of Jamestown D.T. — as follows —

Present

Honorable Peter C Shannon Chief Justice
" Alanson H Barnes Associate "
" Granville G Bennett " "
Hugh J Campbell U S Attorney
John B Reynolds U S Marshal by L P Edmunds Dpty
B S Williams " Clerk
Levi H Elliott Bailiff

The Court being duly opened the following proceedings were had. to Wit:

Otto Ahlby
Plff & Respondent
vs
A G Garrison et al
Appellants
} No 49
Appeal from Lawrence County

And now comes Bartlett Sharpe Esqr. with argument in behalf of A G Garrison et al. the appellants in the above entitled action

And now at 10 o'clock A M. comes J R Gamble Esqr with argument for Otto Ahlby the Respondent in the above action

Elizabeth A Wambole
Plf
vs
Obed Soule
} Appeal from Jamestown County

Now comes L J D Harris Esqr with his argument and authorities in behalf of the appellant in the above action

And now at 3 o'clock & 30 minutes this Court is adjourned until Wednesday the 21st day of August 1878. at 9 o'clock A. M.

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Terr. of Supreme Court, June Term A.D. 1878. 10th Day of Term.

Wednesday August 21st 1878

Court met pursuant to adjournment at the Court Room in the City of Yankton D.T.

Present

Honorable Peter C Shannon Chief Justice
" Alanson H Barnes Associate "
" Granville G Bennett " "
Hugh J Campbell U S Attorney
John B Raymond U S Marshal by C P Dickinson Dpty.
B S Williams Clerk
Lewis H Elliott Bailiff

The Court was duly opened and the following proceedings were had.

Elizabeth A Wambold Plff
vs
Obed Foote Dft
} Appeal from Yankton County

And now comes C J B Harris Esqr and files his argument for the appellant in this action.

And now comes G C Moody Esqr with his argument for the Plff in the above action.

And the Supreme Court } In the matter of the application
Territory of Dakota } ss of George H Walsh for admission
to practice in the Supreme Court

And now this 21st day of August A D 1878. comes Wilkerson H Parker Esqr Attorney and counselor of this Court and moves this Honorable Court, that George H. Walsh Esqr of Grand Forks county Dakota Territory a member of the bar of the 3rd Judicial District Court of this Territory be admitted to practice as an Attorney and counselor at law in the Supreme Court.

Wilkerson H Parker

And now Court doth grant the above motion Court motion is granted. and the said applicant George H. Walsh having been therefore admitted to the bar of the Third

Continued

District and having taken his oath prescribed by law he is duly admitted to practice as an attorney and counselor at law of this Court.

Done in open Court this 21st day of August A D 1878.

By the Court

Peter C Shannon. Chief Justice

United States of America.
United States Supreme Court
of Dakota Territory } ss

Be it remembered, That on the 21st day of August in the year of our Lord one thousand eight hundred and seventy eight personally appeared before the Honorable Supreme Court of the Territory of Dakota, Gunnar Olesonn a citizen born, about the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress, heretofore passed on that subject. And the said Gunnar Olesonn having thereupon, produced to the Court record testimony, showing that he had heretofore reported himself and filed his declaration to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Gunnar Olesonn as from the testimony of Thomas Griffin and James S Griffin who are known to the citizens of the United States. That the said Gunnar Olesonn hereinbefore mentioned, has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past, within the Territory of Dakota, and that during the whole of that term he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same and two years and upwards having elapsed since the said Gunnar Olesonn reported himself and filed his declaration of intention, as aforesaid.

It was ordered. That the said Gunnar Olesonn be naturalized to the oath prescribed by the Constitution

U. S. Supreme Court, June Term A.D. 1898 — 1st Day of Term.

Continued

of the United States, and the usual oath whereby she renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to Oscar XV King of Norway and Sweden, whereof she was heretofore a subject, which said oath having been administered to the said Gunnie Olson by the Clerk of said Court in open Court it was ordered by the Court that the said Gunnie Olson be admitted to all and singular the rights privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly.

Territory of Dakota
County of Yankton

Peter C. Shannon
Chief Justice.

In the matter of the Opening of Gold Street Deadwood D.T. Plaintiff
vs
George H. Newton
Defendant

Motion to Dismiss

Now comes the respondent in the above entitled cause for the purpose of this motion only by their attorney W.H. Parker and moves the Court to dismiss the appeal in said cause for the reason that said Court has not jurisdiction to try and determine the same for the reason that a notice of appeal was not served

W.H. Parker atty for Respondent
for the purpose of this motion only

U. S. Supreme Court, Term A. D. 1878. Day of Term.

R. Buchanan Dft
and Appellant
vs
S. E. Everett Plff
and Respondent

} Appeal from Pennington County

Now comes Gustavus Hoyt Esq and proceeds with his argument in behalf of R Buchanan in behalf of said appellant.

And now G. H. Hoyt Esq rests argument in behalf of S. E. Everett the Respondent in the above entitled action

And now at 6 oclock P M this Court is adjourned until Thursday the 22" day of August 1878 at 8 oclock A. M.

U. S. Supreme Court, June Term A.D. 1878. 11th Day of Term.
Thursday Aug 22nd 1878

Court met pursuant to adjournment & the Bench
Room in the City of Yankton D S as before—
Present
Hon Peter C Shannon Chief Justice
" Hosea H Barnes Associate
" Granville G Bennett "
Hugh J Campbell U S Attorney
John B Raymond U S Marshal by L P Edmunds Dpty
B S Wilkinson Clerk
Lewis H Elliott Bailiff

P Buchheimer
Plaintiff
vs
F. L. Everett Def
and Respondent

} Appeal from Minnehaha County

And now the Clerking argument by attorneys in the above cause

Territory of Dakota }
In Supreme Court }

And now the Twenty Second day of August A D 1878 comes Bartlett Tripp Esq a member of the bar of this Court and moves the admission of A Sheridan Jones Attorney at Law of the Second Judicial District Court of this Territory to practice as an attorney and counselor at Law in the Supreme Court of Said Dakota Territory

Bartlett Tripp Atty

And now Comes day upon presentation and consideration of said motion it is by the Court ordered that said Motion be granted and the proper oath is directed to be administered to said applicant which is accordingly done.

By the Court
Granville G Bennett
Clerk

And now at 10 oclock Am this Court is adjourned until Friday the 23rd day of August 1878 at 9 oclock A M

U. S. Supreme Court, June Term A.D. 1878. 12th Day of Term.

Friday August 23rd 1878

Pursuant to adjournment Court met at the Court Room in the City of Yankton at 10 o'clock A.M.

Present

Hon Peter C Shannon Chief Justice
" Hiram A Barnes Associate "
" Granville G Bennett " "
Hugh J Campbell U S Attorney
John B Redpath U S Marshal by C P Redpath Dpty
B L Wilkinson Clerk
Lewis H Elliott Bailiff

And now the following motion and order of Court

In the Supreme Court
Territory of Dakota

In the Matter of the application of Edward E Cook to practice as to the Supreme Court.

And now on this 23rd day of August 1878. comes William L Joy and moves this Honorable Court that Edward E Cook be admitted to practice as an attorney and counselor at law in the Supreme Court of the Territory of Dakota, and files herein his petition of the said Edward E Cook is admitted to practice as an attorney in the Second Judicial District of the Territory of Dakota.

William L Joy Attorney

And the said day on consideration thereof, said Motion is granted, and the applicant having taken in open Court, the oath prescribed by law, he is admitted to practice as an attorney and counselor at law in the Supreme Court of the Territory of Dakota. Done in Open Court this 23rd day of August A.D. 1878 By the Court

Peter C Shannon
Chief Justice

In the Supreme Court of Dakota Territory at Yankton thereof begun and held at Yankton on the 23rd day of June A.D. 1878. Present the Honorable

U. S. Supreme Court, June Term A.D. 1878. 12th Day of Term.

Continued

Peter C Shannon Granville G Barnett & Olen H Barnes Jointly Sued, the following order was made and entered of record

Thomas B. Williams Clerk of the Supreme Court has rendered to this Court an account of his fees for a part of the December Term 1877 and a part of the June Term 1878 with the attestation of W. Hugh McCampbell Esq United States attorney has proved on oath to the satisfaction of the Court, that the services charged therein have been actually and necessarily performed as therein stated.

And whereas said charges appear to be just correct and according to law-

It is hereby ordered that the said account amounting to Ten dollars and Seventy cents be and the same is hereby allowed.—

By the Court
Peter C Shannon
Chief Justice

Attest
B S Williams
Clerk

H A Jarnett Sr Sheriff
vs Appellee
Nehemiah A South Sheriff
Lincoln County D C
Appellant

Appeal from Lincoln County—

And now comes O S Gifford Esqr one of the attorney for the defendant in the above cause and proceeds with his argument.

And now Court is adjourned until tomorrow morning at 9 o'clock A. M.

U. S. Supreme Court, Grand Forks A.D. 1878. 13th Day of Term.

Saturday August 24th 1878.

Court met pursuant to adjournment. At the Court Room in the City of Grand Forks D.T. as follows —

Present

Honorable Peter C Shannon Chief Justice
" Granville G Bennett Associate "
" Hugh J Campbell U.S. Attorney
John B Raymond U.S. Marshal by L.P. Edmunds Dpty
B S Williams Clerk
L H Elliott Bailiff.

In the Supreme Court
Territory of Dakota

In the matter of the application of Isaac E West to practice Law in the Supreme Court.

And now on this 24th day of August 1878 comes Hugh J Campbell Esq and moves this Honorable Court that Isaac E West be admitted to practice as an Attorney and Counsellor at Law in the Supreme Court of the Territory of Dakota and thereupon submits that the said Isaac E West is admitted to practice as an attorney in the Second Judicial District of the Territory of Dakota.

Hugh J. Campbell
Attorney at Law

And the Court duly considering thereof said motion is granted; and the applicant having taken the oath prescribed by law, he is duly admitted to practice as an attorney & Counsellor at law in the Supreme Court of the Territory of Dakota — Done in open Court this 24th day of August A.D. 1878 — By the Court.

Peter C. Shannon
Chief Justice

And now at 12 o'clock M this Court is adjourned until the 31st day of August 1878 at 10 o'clock A.M. this forenoon.

[illegible] Supreme Court [illegible] Term.

[illegible] Edwin [illegible] Attorney Enrolment 31st Aug 1895

[illegible] Edwin [illegible] Attorney Enrolment

Supreme Court [illegible] Nebraska

[illegible] Edwin [illegible] Petitioner

[illegible] Edwin [illegible] Respondent

Counsel the respondent in the above entitled cause, for the purpose of this motion only, by Messrs Cattell & Walker Esqrs, and moves the Court to dismiss the appeal in said cause, for the reason that said Court has not jurisdiction to hear and determine the same, for that a matter of the appeal has not been served.

Motion argued by W. H. Walker Esqr for the Motion, and by J. R. Grundy Esqr Contra.

And now August 31st 1878. on consideration, it is ordered and adjudged that the appeal in this cause be dismissed with the appellees costs. Without prejudice however to any other appeal.

Attest B. S. Williams
Clerk

By the Court
Ed. C. Stanton
Chief Justice

(Mr. Justice Clifford)

And now Court is adjourned until Tuesday the 10th day of September 1878. at 11 o'clock A.M.

U. S. Supreme Court, Term, Term
Tuesday September 10th A.D. 1878. 15 Day of Term.

Present
Hon Peter C Shannon Chief Justice
" Granville G Bennett Associate
B S. Williams Clerk
L H. Elliott Bailiff.

Stand Thereupon on said day the following orders were duly made and entered of record. to wit:

F. E. Everett
vs
Hyslop
B Buchanan
appellant
} Appeal from Minnehaha County
District Court

Now on this 10th day of September 1878
it is ordered that this cause stand for reargument at the
next December Term of this Court, and that the Clerk furnish the attorneys of record notice hereof.

By the Court
Peter C Shannon Chief Justice
Granville G. Bennett Associate Justice.

Otis
vs
Gunderson et al
appellant
} In Supreme Court Ter of Dak.
June Term 1878
Appeal from Lawrence County District Court

Now on this 10 day of September 1878. It is ordered that this cause stand for reargument at the next December Term of this Court, and that the Clerk furnish the attys of record notice hereof. By the Court
Peter C Shannon Chief Justice
Granville G. Bennett Associate Justice

Otis
vs Respondent
Gunderson et al
appellant
} In Supreme Court Ter of Dakota
June Term 1878
Appeal from Lawrence County District Court

Now on this 10th day of September 1878. It is ordered that this cause stand for reargument at the next December Term of this Court, and that the Clerk furnish the attys of record notice hereof. By the Court
Peter C Shannon Chief Justice
Granville G. Bennett Associate Justice

U. S. Supreme Court, [illegible] Term A.D. 1878. [illegible] Day of [illegible].

Elizabeth C. Messenbo Pet
vs
Ashel Hurd Deft

} In Supreme Court of State of Texas

Appeal from [illegible] County. District Court.

Now on this 10th day of September 1878. this cause having been argued and submitted, it is [illegible] ordered & adjudged by this Court

Opinion to be filed and judgment entered at next December Term of this Court.

By the Court
Peter C. Shannon
Chief Justice

Attest R. S. Williams
Clerk

Granville G Bryant
Appellants Attorney

Court then adjourned until 9 o'clock tomorrow morning.

Attest R. S. Williams
Clerk

Peter C. Shannon
Chief Justice

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11. H. Stephenson Court, Pinnacle assn
Saturday Sept 14th 1878 A.D. 187-. 16th Day of Term.

Court met pursuant to adjournment.

Present

Hon. Peter C. Stevenson Chief Justice
B. F. Williams Clerk
J. A. Elliott Bailiff

Four of the other Justices being present the Chief Justice directed the following order to be entered:

That since Sept 14th 1878 Justices Barnes & Bennett being absent, it is ordered that this Court be and it is adjourned without day

Peter C. Stevenson
Chief Justice

Attest B. F. Williams
Clerk

U. S. Supreme Court, A. D. 18 . Day of Term.

46

U. S. Supreme Court. December Term A.D. 1878. 1st Day of Term.

Tuesday December 10th 1878.

Be it remembered that on this 10th day of December A.D. 1878. it being the 2nd Tuesday of December 1878 the Honorable Supreme Court of Dakota Territory. met at the Court Room in the City of Yankton D.T. pursuant to Law.

Present

Hon Peter C Shannon Chief Justice
" G. G. Moody Associate
" Hugh J. Campbell U S Attorney
" John B. Raymond U S Marshal.
B. J. Williams Clerk.
L. P. Edwards & S. H. Elliott Bailiffs

United States of America
Territory of Dakota } ss

In Supreme Court
December Term 1878.

And now December 10th A.D. 1878. The Chief Justice & Associate Justice Moody being present & on the bench & Associate Justice Barnes not having arrived and not being present. It is ordered that this Court be & it is hereby adjourned until Wednesday December 11th 1878. at 10 o'clock in the forenoon

By the Court
Peter C. Shannon
Chief Justice

Attest B. J. Williams
Clerk

U. S. Supreme Court, December Term A.D. 1878. 2.nd Day of Term.

Wednesday December 11th 1878.

Court met at the Court Room in the City of Yankton D.T. pursuant to adjournment.

Present

Honorable Peter C. Shannon Chief Justice
" A H Barnes Associate "
" G G Moody " "
Hugh J Campbell U.S. Attorney
John B Raymond U.S. Marshal
B S Williams Clerk
J H Benedict Crier
L P Edmunds & S H Elliott Bailiffs.

The Court being duly opened the following motion and orders were entered of record D.W.S.

On the Matter of the application of William R Steele to practice in the Supreme Court.

And now on this 11th day of December A.D. 1878. comes J R Gamble Esqr an attorney of said Court and moves this Honorable Court that William R Steele be admitted to practice as an attorney and counselor at law in the Supreme Court of the Territory of Dakota and hereunto subscribes that the said William R Steele is admitted to practice as an attorney and counselor at law in the Supreme Court of the Territory of [redacted] Wyoming.

J R Gamble

And now the same day on consideration thereof said motion is granted; and the applicant having taken in open Court the oath prescribed by law he is duly admitted to practice as an attorney and counselor at law in the Supreme Court of the Territory of Dakota.

Done in open Court This 11th day of December A.D. 1878.

By the Court
Peter C Shannon
Chief Justice

Attest
B. S. Williams
Clerk

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U. S. Supreme Court December Term A. D. 1878. 22nd Day of Term.

Continued

United States of America
Territory of Dakota } In Supreme Court

And now comes Bartlett Sharpe Esqr an attorney of this Court and moves the admission of Wilkins H. Leggett and Addison M. Hastie members of the bar of the first Judicial District Court of Dakota Territory in this Supreme Court of Dakota Territory
Dec 11th 1878. Bartlett Sharpe

And now same day upon consideration thereof the above motion is granted and the oath prescribed by law having been duly administered to said applicants. They are admitted to practice as Attorney and Counsellor in said Court
By the Court

Attest B. S. Williams Clerk
Peter C. Shannon Chief Justice

Otto Uhlig No 467
Respondent
vs
A. G. Garrison and Garret Anderson
Appellants
} Appeal from Lawrence County
Ejectment

Now comes Bartlett Sharpe Esqr one of the attorneys for the appellants and proceeds with his argument in behalf of said Appellants.

And now at 3 oclock and 30 minutes P.M. comes J. C. Gamble Esqr and proceeds with argument in behalf of said Respondents.

And now at 6 oclock P.M. Court adjourned until Thursday December 12th 1878. at 9 oclock and 30 minutes in the forenoon.

Attest B. S. Williams Clerk.

Court met at the Court Room in the City of Yankton. at 9 o'clock & 30 minutes A.M. pursuant to adjournment.

Present

His Honor Peter C Shannon Chief Justice
" " A.H. Barnes Associate "
" " S.L. Woody " "
Hugh J Campbell U.S attorney
Jno B. Raymond U.S Marshal
B.S Williams Clerk
J.H. Benedict Crier
C.P. Edmunds & L.H. Elliott Bailiffs

No 46

Otto Uhlig. Respondent
vs
A.G. Garrison et als
Appellants

} Appeal from Clay County
Ejectment

Now comes J.P. Gazzolo Esqr and Concludes his arguments on behalf of the Respondents

And now at 10 o'clock A.M. comes Williams H. Delagett Esqr and this closing argument for said appellants.

In the Supreme Court } In the matter of the application of E
Territory of Dakota } C Kennedy to practice in the Supreme Court

And now on this 12th day of December A.D. 1878 Hugh J Campbell an attorney of said Court and moves this Honorable Court that Edward C Kennedy be admitted to practice as an attorney and Counselor at Law in the Supreme Court of the Territory of Dakota and herewith Submits that the said Edward C Kennedy has been admitted to practice in one of the District Courts of said Territory

Hugh J Campbell

and the same day on consideration thereof said motion is granted and the said applicant having taken & subscribed the oath prescribed by Law he is duly admitted to practice as an attorney and counselor at Law in the Supreme Court of the Territory of

U. S. Supreme Court, December A.D. 1878. 3rd Day of Term.

Continued

Dakota.

Done in open Court this 12th day of December A.D. 1878

By the Court
Peter C. Shannon
Chief Justice

Attest
B. J. Williams

H. A. Jerrett as Sheriff vs Respondents Charles A. South as Sheriff of Sioux County D.T. Appellant	No (49) Appeal from Sioux County.

Now comes William L. Joy Esqr. with his printed briefs and oral argument in behalf of the Respondents in the above entitled cause

And now at 4 o'clock P.M. the counsel Gifford Esqr with briefs and oral argument in behalf of the appellant in the above entitled cause

And now at 5 o'clock P.M. this Court is adjourned until Friday the 13th day of Dec 1878. at 9 o'clock and 30 minutes in the forenoon.

Attest
B. J. Williams
Clerk

Court met at its Court Room in the City of Jamestown at 9 o'clock and 30 minutes in the forenoon pursuant to adjournment.

Present

Hon Peter C Sherman chief Justice
" A H Barnes absent "
" Gideon D Moody "
Hugh J Campbell U S Attorney
Jno B Raymond U S Marshal
B J Williams Clerk
J H Benedict Crier
E P Edmunds & L H Elliott Bailiffs

Otto Kohlig
Respondent
vs
A G Garrison & Garrett Anderson
Appellants

No 47.
Appeal from Lawrence County,
Unlawful detainer.

Now comes Bartlett Sinclair Esqr. with his printed briefs and oral argument for appellants in the above cause.

And now comes J R Gamble Esqr with his briefs and oral argument for the Respondents in the above entitled cause

United States of America }
Supreme Court of Dakota Territory } ss.

Be it remembered, that on this 13th day of December in the year of Our Lord one thousand eight hundred and seventy eight personally appeared before the Honorable Supreme Court of the Territory of Dakota. Alfred Brown an alien born, above the age of twenty one years, and applied in open court for admittance to become a naturalized citizen of the United States of America. Pursuant to the several acts of Congress therefore provided on that subject. And the said Alfred Brown having thereupon produced to the court record testimony showing that he had heretofore to wit: on the first Monday of May A.D. 1876 filed his declaration of his intention to become a-

U. S. Supreme Court, December Term A.D. 1878. 4th Day of Term.

Continued

Citizen of the United States according to the provisions of said several acts of Congress, and the Court being satisfied as well from the oath of the said Alfred Brown as from the testimony of Alexander Grant & J. Campbell who are known to be citizens of the United States; that the said Alfred Brown has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the County of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Alfred Brown reported himself, and filed his declaration of intention as aforesaid.

It was Ordered, That the said Alfred Brown, be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to Queen of Great Britain, whereof he was heretofor a subject, which said oaths having been administered to the said Alfred Brown by the Clerk of said Court in open Court it was ordered by the Court that the said Alfred Brown be admitted to all and singular the rights privileges and immunities of a naturalized citizen of the United States. and that the same be certified by the Clerk of this Court, under the seal of said Court which is done accordingly.

Peter C. Shannon
Chief Justice

I, Lewis Clerk

On Testimony that the foregoing is a true copy of the proceedings taken from the record of the proceedings of the Court aforesaid. I hereunto my name hereunto and affix the seal of the Court this 13th day of December in the Year of our Lord one thousand eight hundred and Seventy Eight.

B. F. Williams Clerk

U. S. Supreme Court, December Term A. D. 1878. 4th Day of Term.

Continued

United States of America
Supreme Court of Dakota Territory } ss.

Be it remembered, That on the 13th day of December in the Year of Our Lord one thousand eight hundred and seventy eight personally appeared before the Honorable Supreme Court of the Territory of Dakota Alexander Grant an alien born, above the age of twenty one years. and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress thereto for prefixed on that subject. And the said Alexander Grant having thereupon produced to the Court proper testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oaths of the said Alexander Grant as from the testimony of Peterson Ingram and A. J. Campbell who are known to be citizens of the United States; that the said Alexander Grant has resided within the limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Alexander Grant reported himself, and filed his declaration of intention as aforesaid.

It is Ordered, That the said Alexander Grant be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State of Sovereignty whatever; and more particularly to the Queen of Great Britain whereof he was heretofore a subject, which said oaths having been administered to the said Alexander Grant, by the Clerk of said Court in open Court, it was ordered by the Court that the said Alexander Grant be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the Clerk record this

by the Clerk of this Court, under the Seal of said Court which is done accordingly

Peter C Shannon
Chief Justice

Seal

In testimony that the foregoing is a true copy of the proceedings taken from the records of the proceedings of the Court aforesaid I subscribe my name hereunto and affix the seal of the Court this 13th day of December in the year of our Lord one thousand eight hundred and seventy eight.

B S Williams Clerk

And now at 6 o'clock P.M. Court is adjourned until Saturday the 14th day of December 1878 at 9 o'clock and 30 minutes in the forenoon

Attest B S Williams
Clerk

Court met at the Court Room in the City of Deadwood pursuant to adjournment.

Present

Honorable Peter C. Sherman Chief Justice
" A H Barnes Associate "
" G A Moody " "
Hugh J Campbell U S Attorney
Jno B Raymond U S Marshal
B F Williams Clerk
J H. Bennett Crier
C. P. Dunmire Dpty Clerk Official Reporter

Otto Uhlig
Respondent
vs.
A G Garrison and Garrett Anderson. Appellants

No (47)
Appeal from Lawrence County.
Unlawful detainer

Now comes J K Gamble Esqr and concludes his argument in behalf of the said Respondent in the above entitled cause.

And now at 3 o'clock P M. comes William H Kellogg Esqr. with the closing argument for the appellants in the above cause

United States of America
Supreme Court of Dakota Territory } ss

Be it remembered, That on the 14th day of December in the Year of Our Lord one Thousand eight hundred and Seventy Eight personally appeared before the Honorable Supreme Court of the Territory of Dakota, Ernest Forest an alien born above the age of twenty one years and applies in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress, thereto in such case made and provided. And the said Ernest Forest having thereupon produced to the Court record testimony showing that he had taken and subscribed and filed his declaration of his intention to become a citizen of the United States, according to the provisions of the several acts of Congress, and the Court having satisfactorily, as well from the oath of the said Ernest Forest as from the testimony of

Schlaucher and Joseph Swalewasky who are known to be Citizens of the United States; that the said Frank Forest has resided within the limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Frank Forest reported himself, and filed his declaration of intentions as aforesaid.

It is now Ordered, That the said Frank Forest be permitted to take the oath to support the Constitutions of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever! and more particularly to Emperor Wilhelm of Prussia whereof he was heretofore a Subject. Which said oaths having been administered to the said Frank Forest by the Clerk of said Court. It was ordered by the Court that the said Frank Forest be admitted a full and Integular the rights, privileges and immunities of a naturalized citizens of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court. Which is done accordingly.

Peter C Shannon Chief Justice

Seal

I do Testify that the foregoing is a true Copy of the proceedings taken from the record of the proceedings of this Court aforesaid I Subscribe my name hereunto and affix the Seal of the Court this 14th day of December in the year of Our Lord one thousand eight hundred and seventy eight.

B S Williams
Clerk

And now at 6 o clock P.M. Court adjourned until Thursday the 16th day of December A.D. 1878 at 9 o clock and 30 minutes in the forenoon.

Attest B S Williams
Clerk

Court met at the Court Room in the City of Washington pursuant to adjournment.

Present

Honorable Peter V. Hamtramck Chief Justice
" A. H. Barnes Associate "
" G. L. Moody "
Hugh J. Campbell U. S. Attorney
Jno. B. Sanguinett U. S. Marshal
J. M. Bartlett Clerk
L. W. Elliott Bailiff
W. J. Wilkinson Reporter

No 51 Wm. Cook et al Respondent vs Wm. Cooley et al Appellant } No 52 Appeal from Spencer County.

Jno. Carnes Bartlett Esq. and Wilkinson H. Liggett Esq. Solicitors and Counsellors at Law appeared and presented briefs for the appellant in the above entitled cause.

No one appearing for the Respondent in said action

No 53 Fr. E. Everett Respondent vs R. Buchanan Appellant } Appeal from Vanderburgh County.

Special Judge Moody. Stating that he was theretofore counsel in this cause declines to sit in the hearing

Now comes Jno. Grigsby Esq. Attorney for appellant in the above cause and forcibly with his argument for said Appellant

Ordered now at 4 o'clock P.M. the Court adjourn until Tuesday the 17th day of December A.D. 1878 at 9 o'clock and do proceed to the Docket

P. S. Wilkinson Clerk

U. S. Supreme Court. December Term A.D. 1878. 7th Day of Jan.

Tuesday December 17th 1878

Present

Honorable Nelson Chamberlain Chief Justice

" A.G. Barnes Associate "

" E.G. Woods " " " "

Joseph P. Comfield U.S. Attorney

John B. Barnard U.S. Marshal

Thomas H. Burchett Clerk

F.H. Elliott Bailiff

B.F. Williams " Asst

Insurance Co. of Illinois
Respondent
vs
The Manhattan Life Insurance
Company of New York
Appellant

No 54
Appeal from Jackson
County

This cause coming on to be heard
it is argued by J. Gamble Esqr for the appellants and by
Oliver Shannon Esqr for Respondent

F. E. Everett
Respondent
vs
B Buchanan
Appellant

No 53
Appeal from Sacramento County

And now comes Jno Smith
Attorney for the Respondent in the above cause

And now at 3 o clock and 30 minutes P.M.
Court is adjourned until Wednesday the 18th day of
December AD 1878. at 9 o clock and 30 minutes
in the forenoon

Attest

B.F. Williams
Clerk

U. S. Supreme Court. December Term (O.T.) 1878. 5th Day of Term.

Wednesday December 18th 1878

Court met pursuant to adjournment.

Present

Honorable Orlin G Sherman Chief Justice
" A H. Barnes Associate "
" G G. Woodley " "
Hugh J Campbell U.S. Attorney
Jno B. Raymond U.S Marshal
J H Burnett Crier
L P. Edmunds & D H. Elliott Bailiffs
B S Williams Clerk

Marianna K. Clevenger
Respondent
vs
The Mutual Life Insurance Company
of New York. Appellant

No 54
Appeal from Jefferson County

And now comes Oliver Shannon Esqr and resumes his argument for the Respondent. Same day J C Gamble Esqr Concluded the argument

The Harris Manufacturing Company Respondent
vs
James M. Welsh
Appellant

No 56
Appeal from Clay County.

And now this 18th day of December 1878 the above cause being called. It was submitted to the Court on the briefs of the respective attorneys.

On the Matter of the opening of
Gold Street Deadwood D.S.
Respondents
vs
Geo H. Norton
Appellant

Appeal from Lawrence County.

By consent of Counsel of the respective parties cause is open Court, Cause Continued until next Term

12

In the Supreme Court of Dakota Territory A.D. 1878. 5th Day of Term.

Appealed

See the Supreme Court
of the Territory of Dakota.

The Black Hills Gold
Mining Company.
Plaintiffs & Appellants

vs

Dietrich et al
Defendants & Respondents.

Motion for leave to dismiss
Appeal without prejudice

Now comes the said Black Hills Gold Mining Company, appellant by McLaughlin & Steele and Gamble Brothers, its Attorneys, and moves the Court upon the record now here, for leave to dismiss its appeal herein, without prejudice and further and future proceedings upon appeal.

And for cause therefor. Says:
That the record herein is insufficient in not showing that any judgment has been entered in this cause in this Court below

That the notice of appeal herein, filed in the Court below, and served upon the respondents herein, is insufficient to entitle the appellant to a review of the question presented by the record herein

That the appeal herein is not taken from the judgment of the Court below but is taken from an order of judgment and decision of the Court below.

Wherefore the said appeal having been prematurely and improperly taken, the said appellant prays that it may be permitted to dismiss its appeal herein without prejudice & further and future proceedings upon appeal herein, and that thereupon all records and papers herein from the files of this Court

Gamble Brothers McLaughlin & Steele
Attorneys for Appellants

Black Hills Gold Mining Company
vs
Dietrich & Tuttle

And now on this 12th day of December 1878. comes Upon H. Adler & Conrad of record herein for above named Respondents and suggests to the Court the diminution of the record in this Court in that it does not contain the

U. S. Supreme Court, December Term A.D. 1878. 8th Day of June.
Continued

Replication of Plff & the answer of Defts in the Court below & moves the Court for leave to hereby said exceptions viz the transcript by filing a certified copy of said replication as a part of the transcript herein, and requested for oppellees Consenting thereto in open Court. The said motion is allowed, and leave given as prayed for—

McLaughlin & Steele
Attorney for Appellants.

Jno H. G Fergt
Attorney for Respondents.

And now on consideration of the said suggestion and motion, and with the consent of the Attorney of Appellants. Ordered, that said motion be granted, and said replication is accordingly made a part of the record herein

By the Court
Peter C Shannon
Chief Justice

Williams & Francisco et al
Respondents
vs
Frank D McGowan et a
Appellants

Motion of Appellants to stay the argument and to continue the above cause until next term. was argued by Wheelagell for and by Jno Steele contra

U. S. Supreme Court. December Term A.D. 1878. 5th Day of Term.

Thursday December 19th 1878.

Court met at its Court Room in the City of Deadwood at 9 o'clock and 30 minutes forenoon pursuant to adjournment.

Present

Hon Peter C Shannon Chief Justice
" A H Barnes Associate "
" Gideon C Moody " " "
" Hugh J Campbell " U S Attorney
" John B Raymond U S Marshal
" Dennis K Bradsell Crier
C P Edmunds & L H Elliott Bailiffs
B L Williams Clerk

The Black Hills Gold Mining Company Appellants
vs
Lefthras Tuttle Charles H. Dietrich et al Respondents

} Motion for leave to dismiss appeal without prejudice —

Now comes the appellant, The Black Hills Gold Mining Company. by Gamble Brothers and McLaughlin & Steele, its Attorneys, and moves the Court now here for leave to dismiss its appeal herein without prejudice to further proceedings upon appeal— Also for leave to withdraw from the files of this Court, the record and papers filed therein upon its present appeal—

Gamble Brothers &
McLaughlin & Steele Atty for Appellants

And now December 19th AD 1878. the above motion coming on to be heard upon consideration thereof It is ordered that said motion be and it is hereby allowed—

Peter C Shannon
Chief Justice Sup Court D.T.

The Black Hills Gold Mining Company Appellants
vs
Lefthras Tuttle Charles H Dietrich et al, Respondents

} Motion

Now comes the appellant, and moves the Court to withdraw its Motion for leave to dismiss its appeal herein, which said motion was filed in this Court, on the 18th day of December A.D. 1878.

Gamble Brothers & McLaughlin & Steele attorneys for Appellants.

Filed ... December 19th A.D 1878. The foregoing

Continued

Motion after hearing of counsel is granted

Pete C. Sherman
Chief Justice Supreme Court U.S.

The Black Hills Gold Mining Company Appellant
vs
Stephen Tuttle Charles H. Dietrich et al Respondents

And now on this 19th day of December A.D. 1878 it being one of the regular days of the December Term A.D. 1878 of our said Supreme Court, comes on to be heard the motion of the said appellant, The Black Hills Gold Mining Company, for leave to dismiss its appeal herein without prejudice to further proceedings upon said appeal, and withdraw the record herein from the file of this Court, which Motion was filed in this Court on the 19th day of December A.D. 1878.

And the Court being fully advised in the premises, it is ordered and adjudged that the appellant, The Black Hills Gold Mining Company, have leave to dismiss its appeal herein, without prejudice to another appeal, and further leave to withdraw from the files of this Court, the record and papers brought up on the appeal herein—

By the Court
Pete C. Sherman Chief Justice

The Black Hills Gold Mining Company vs Stephen Tuttle C. H. Dietrich et al

And now this 14th day of December A.D. 1878. Comes into Court the above named Respondent by their Counsel William H. Clagett and moves the Court to strike out from the file all of the evidence filed with the transcript of the record in this cause— For the

Reason that the same constitutes no portion of the Judgment Roll. That neither the findings of fact, nor the Conclusions of law by the Court below, have been excepted to by appellants— That no Bill of Exceptions has been signed or settled by the Judge below. And that no Motion for a New trial was made in the Court below by the appellants—

William H. Clagett
Attorney for Respondents

And now December 19th 1878. the within

Motion is withdrawn by Defendants by reason of allowance of Appellants Motion to dismiss appeal

Peter C. Shannon
Chief Justice.

Clay County
vs
R J. Simmons et al.

The above cause being called, it was duly submitted to the Court on the Brief of its Attorneys.

In the matter of the opening of Gold Street Deadwood D.T.
vs
George H Newton. Appellant

Appeal from the District Court of Spearfish County.

And now on this 19th day of December 1878. Comes the Appellant George H. Newton by Gamble Boothe his attorneys and upon the papers here on file in the above entitled cause, asks leave of this Court to withdraw the Original Bill of exceptions from the papers filed in the first appeal in this action and heretofore dismissed that the said bill of exceptions may be returned to the files of the proper District Court & Copied & certified to be used on this appeal now pending in this Court and that the same may be duly certified with this appeal in this cause, from the said District Court.-

Gamble Brothers
Attorneys for Appellants

Now December 19th A.D. 1878. the above Motion coming on to be heard on considerations thereof. It is Ordered that the said motion be and the same is hereby Allowed

By the Court
Peter C. Shannon Chief Justice

Williams Bird et al. Appellants
vs
E.O. Keel et al Respondents } Motion

Now comes the Appellant, and moves to dismiss the appeal herein

H C Laughlin & Keel attys for Appellants

Upon consideration of the above motion. it is ordered that the appeal herein be dismissed at the costs of the said appellants—

By the Court
Peter C. Shannon Chief Justice

December 19th 1878.

Continued

The United States of America
Territory of Dakota } ss Second Judicial District

In the United States District Courts in and for the Second Judicial District of Dakota Territory

The United State
vs
Silas G Phillips } Indictment for delaying and obstructing the United States mail—

In Supreme Court—

And now comes the defendant Silas G Phillips by his attorney Bartlett Sripps and moves for an order Continuing the above entitled action to the next term of this Supreme Court

Dec 19" 1878—

Bartlett Sripps
Defendants attorney

And now same day upon consideration of said Motion the United States attorney Hough L. Scarborough appearing and consenting to the continuance prayed for in said Motion. It is ordered that said motion be and the same is accordingly granted and allowed—

By the Court
P. Les C Stevens Chief Justice

Emily Hall. Respondent
vs
J. S. Bramble Appellant } Appeal from the District Court of Yankton County

The above cause coming on to be heard it is argued by S L Spink Esqr for the Appellant and by Hughes Stevens and Gamble for Respondent.

In Supreme Court Territory of Dakota
The Territory of Dakota
vs
William Gay Plaintiff } Writ of Error to the District Court of Lawrence County

in Error

And now this 19" day of December 1878 comes the Plaintiff in Error and reserves the Assignments and all this proceedings herein now on file herein this Hon Court and that this cause be placed on its calendar of this Court

H J Scarborough & Gamble Its Attys
of Counsel for Plff in Error.

Same day on consideration. Above Rule Granted
By the Court
Peter C Stevens Chief Justice

U. S. Supreme Court. December Term A.D. 1878. 5th Day of Term.

Supreme

Territory of Dakota In Supreme Court.

The Territory of Dakota
vs
William Gay
} Error to the District Court of Lawrence County.

And now comes William Gay the plaintiff in Error in this action by his Attorneys Hugh J Campbell and Gamble Brothers, and respectfully shows to this Hon Court that a Writ of Error in this action was duly allowed herein on the 23rd day of August 1878. by the Hon. Granville G Bennett this Hon Associate Justice of the Supreme Court of this Territory and presiding Judge of said District Court, that a true copy of Petition for Error herein together with the allowance of said Writ and the papers thereto annexed were filed with the Clerk of this Court on the 25th day of September 1878. and that by inadvertence & omission without fault of the plaintiff in Error, a writ was not issued by the Clerk until December 18th 1878 and that said Writ was duly issued by the Clerk of this Court on that day directed to the said District Court and was made returnable at the next term of this Court, as provided by Statute.

That the "Bill of Exceptions" in this action was sent up to this Court and is now here, but it is not certified by the Clerk of said District Court. Whereupon the said plaintiff in Error asks leave to withdraw said "Bill of Exceptions" that the same may be returned to the said District Court, in order that said Bill of Exceptions may be fully settled and signed so that the Clerk of said District Court may make return to said Writ of Error issued as aforesaid in due form for the next term of this Supreme Court, that said Writ and the return thereto may stand for argument at that term in due form

Gamble Brothers atty for Plff in Error

Yankton D.T. December 18th 1878. Hugh J Campbell Atty for Plff

The foregoing is agreed to. and the defendant in Error by its attorney A.H. Hastie consents that the Court may grant all the matters and things prayed for by the plaintiff in Error.

Yankton D.T. December 1878.

A.H. Hastie. Attorney for Defendant in Error.

Now December 19th 1878 the above matter coming on to be heard upon consideration thereof and of the foregoing Stipulation signed by the attorneys

for defendants in Error it is ordered that the Decree appeal be and the same is hereby affirmed, with costs for appellee and the cause of said Stipulations only, the said cause remanding been properly brought to this Court.

By Mr. Chief Justice
Peter H. Stevens Clerk pro tem

U. S. Supreme Court December Term A.D. 1878. 10th Day of Term.
Friday December 20th 1878.

Court met at the Court Room in the City of Deadwood at 9 o'clock and 30 minutes in the forenoon pursuant to adjournment.

Present Hon Peter C Shannon Chief Justice
" A H Barnes Associate Justice
" Gideon C Moody " "
Hugh J Campbell U S Attorney
Jno B Raymond U S Marshal
Jas M. Benedict Clerk
C P Edmunds and H Elliott Bailiffs
B S Williams Clerk

Emily Hall. Resp
vs
D C. Bramble
Appellant

Argument in the above entitled cause Continued by Messrs Bramble & Tripp counsel for case Submitted to the Court.

The United States of America
Territory of Dakota
First Judicial District

In the United States District Court in and for the First Judicial District of Dakota Territory.

The United States
vs
William J James

Indictment for embezzling a letter from the United States Mail.

And now at this December term of the Supreme Court of Dakota Territory comes the defendant Williams J. James by his attorney Bartlett Tripp and moves for a continuance of the above entitled cause to the next term of said Supreme Court, upon the grounds that said defendant has been confined in the Indiana Asylum, and that steps are being taken to procure a pardon or commutation of and for said offence and furnish proof - from the President of the United States - and that continuance of this cause is sought pending the result of such application

Dec 20th 1878.

Bartlett Tripp
Def's attorney for this Motion.

And now at this day upon consideration of said

U. S. Supreme Court, December Term A.D. 1878. 10th Day of Term.

Continued

Motion the United States Attorney Hugh J Campbell appearing for the United States and acknowledging the service of application to the President for said defendant stated in said motion to be within his knowledge and therefore consenting to the continuance prayed for— It is ordered that said Motion be and the same is hereby granted and entered.

By the Court

Peter C. Shannon Chief Justice

Williams Shanklin et al.
vs
Francis D McGovern et al

Case called and the argument continued until the next term of this Court.

In the Supreme Court of Dakota Territory at a term thereof begun and held at Yankton on the 10th day of December 1878.

Present the Honorables Peter C Shannon A H Barnes and G. G. Moody Judges thereof the following order was made and entered of record to wit:

Whereas B S Williams Clerk of the Supreme Court has rendered to this Court an account of his fees at the June Term of Court A.D. 1878. with the items thereof and his presence of Hugh J Campbell Esq United States attorney, there proven on oath, to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated.

And whereas said charges appear to be just and according to law. It is hereby ordered that the said account amounting to Seventy five Dollars be and the same is hereby approved—

By the Court

Peter C Shannon
Chief Justice

And now at 12 o'clock M. Court is adjourned until Saturday the 21st day of Dec 1878 at 10 o'clock in the forenoon.

52

U. S. Supreme Court. December Term A.D. 1878. 11th Day of Term.
Saturday December 21st 1878

Court met pursuant to adjournment.

Present

Hon Peter S. Sherman Chief Justice
" Giles S. Woody Assoc "
Hugh J. Campbell U.S. Attorney
Hon B. Raymond U.S. Marshal
J.M. Burdett Crier
L.P. Edmunds & L.H. Elliott Bailiffs
B.S. Williams Clerk

Court being duly opened, and there being no business presented. it is ordered that this Court be adjourned until Monday the 30th day of December 1878. at 11 o'clock in the forenoon

By the Court
Peter S. Sherman
Chief Justice

N. S. Supreme Court, December Term A.D. 1878. 12th Day of Term.
Tuesday December 30th 1878.

Court met pursuant to adjournment.
Present

Honorable Peter C. Sherman Chief Justice
" Gideon C. Moody Associate "
Hugh J. Campbell U.S Attorney
Jno B Raymond U.S. Marshal
J. H. Bancroft Sheriff
C. P. Edmunds Bailiff
B. S. Williams Clerk.

And now December 30th, 1878. it is ordered. that this Court be adjourned to Tuesday the 31st. day of December, 1878. at 3 o'clock P.M.

By the Court
Peter C. Sherman
Chief Justice.

U. S. Supreme Court. December Term A.D. 1878. 13 Day of Term.
Tuesday December 31st 1878.

Court met pursuant to adjournment.

Present

Hon'ble Peter C Shannon Chief Justice
" Giles. C Wood Associate "
" Hugh J. Campbell U.S. attorney
Jno B. Raymond U S Marshal
Jas H. Benedict ~~U S Marshal~~ Crier
C O Edmunds L H Elliott Bailiffs
B S Williams Clerk

And now, December 31st, 1878. It is ordered that this Court be adjourned to Thursday, the second day of January, A.D. 1879 at 3 o'clock P.M.

By the Court
Peter C Shannon
Chief Justice

U. S. Supreme Court, December Term A.D. 1878. 1st Day of Term.

Thursday January 2nd 1879

Court met pursuant to adjournment.

Present

Honorable Peter C Shannon Chief Justice
" Gideon C Moody Associate "
Hugh J. Campbell U S Attorney
Peter B. Raymond U S Marshal
A.C. Bundick Clerk
C.P. Emmons & Little Elliott Bailiffs
B S Williams Asst "

The Court being duly opened the following proceedings were had. to Wit;

In the Supreme Court in and for the Territory of Dakota, at a regular term thereof, begun and held on the Tenth day of December A.D. 1878. Present the Honorable Peter C Shannon Chief Justice, and the Honorable Gideon C Moody Associate Justice, the following order was made and entered of record. to Wit;

Whereas Hugh J Campbell, United States Attorney, has rendered to this Court an account, for fees and attendance as said Term of said Court, and has proved on oath to the Satisfaction of the Court, that the Services therein charged for, were necessarily and actually performed by him as therein stated; and Whereas, said account appears to be just and according to law;—

It is hereby ordered, that the said account, Amounting to One Hundred Dollars, be and the same is hereby approved.

Done in open Court this 2nd day of January A.D 1879. By the Court
Peter C. Shannon
Chief Justice

In the Supreme Court of Dakota Territory at a Term thereof begun and held at Yankton on the 10th day of December A.D 1878.

Present. the Honorable Peter C. Shannon and Gideon C Moody. Associates. Justices. the following order was made and entered of record. to Wit;

Whereas. B S Williams. Clerk of the Supreme

has received by this Court on account of his fees as the December Term of Court A.D 1878, with the items thereof. and in the presence of Hugh H Campbell Esq United States attorney, has proven on oath, to the satisfaction of this Court, that the services therein charged have been actually and necessarily performed as therein stated—

And whereas said charges appear to be just and according to law— It is hereby ordered that the said account amounting to Sixty five Dollars, be. and the same is hereby approved— By the Court

January 2nd, 1879— Wm T Stevenson
Chief Justice

And now the following Rules were read and adopted by the Court

Rule 1

The Clerk of this Court shall reside and keep his office at the Seat of government, and he shall not practice as an attorney or counselor in this or any other court while he shall continue to be Clerk of this Court.

Rule 2

He shall keep a complete record of all proceedings of the Court, and shall perform all the duties pertaining to his office. He must not allow any written opinion of the court, or any original record or paper pertaining to his office, to be taken therefrom without an order from the Court, or one of the judges thereof. He shall promptly answer, by letter, and decisions rendered, to one of the attorneys of each side, when such attorneys are not in attendance upon the Court.

Rule 3

Before the papers in any case shall be filed, the party filing the same shall pay the Clerk five dollars, to apply on his costs therein.

Rule 4

The notice of appeal shall be served in the manner provided in Chapters 16 and 23. of the Code of Civil Procedure; and if not served thirty days before the first day of the next succeeding term of the Supreme Court, the cause shall not be docketed, unless there is a shorter service the respondent

shall give the appellant, ten days before the term, notice that he will insist on a hearing at such term; in which event the cause shall be heard at such term, unless continued upon a sufficient showing or otherwise disposed of.

Rule 5

In civil actions or proceedings brought to this court on writ of error the petitions shall be filed and citations issued and served upon the defendant in error, at least thirty days before the first day of the term. And if the petition is not filed and citation served for the length of time herein specified, the cause shall not be heard at such term, unless, when there is a shorter service, the defendant in error shall give to the plaintiff in error, ten days before the term, notice that he will insist on a hearing at such term, in which event the cause shall be then heard, unless continued upon a sufficient showing or otherwise disposed of.

Rule 6

In criminal causes, immediately after the issuing of the writ of error, a citation to the adverse party to be and appear at the succeeding Court, on a day and hour to be therein designated, shall be issued by the Clerk of this Court, and by him delivered or sent by mail to the plaintiff in error or his attorney, who shall cause the same to be served on such adverse party or his attorney at least ten days before such designated day.

Rule 7

When a sufficient time intervenes, the citation provided for in the preceding rule, shall be made returnable on the first day of the next succeeding term, otherwise it shall be made returnable on some day during such term; and writs of error in criminal causes may issue and citations be made returnable on any day during term time.

Rule 8

Writs of error and citations in criminal causes, may from time to time, upon the direction of one of the justices of this Court, be made in blank by the Clerk, signed by him and, with the seal of the Court attached, and be placed in the hands of the ~~Clerks~~ of the different district Courts for use as they shall be required, and may be filled up and issued under the direction of the presiding judge of such district Courts, upon the allowance of the writ of error by such judge.

Rule 9

When a writ of error is allowed and issued, in the manner

of the proceeding such, it shall be the duty of the plaintiff in error forthwith to file with the clerk of this court, the petition in error, and a failure to do so shall be cause for dismissal of the writ; and such petition shall be filed by the Clerk as of the day when the writ was allowed.

Rule 10

When an appeal is taken or a writ of error is sued out, it is the duty of the Clerk of the court in which the judgment was rendered, or the order appealed from was made, without unnecessary delay and within the time prescribed by Statutes, to make out a full and perfect transcript and copy of the notice of appeal, with proof of service thereof, and of the judgment roll; or if the appeal is from an order or any part thereof, a complete copy of such notice of appeal and proof of service thereof, and of such order, and the papers upon which the order was granted, and engrossing the certificate of the judge; or in Criminal Cases, a complete copy of the record and of all bills of exceptions, together with an assignment of error and prayer for reversal, and embracing the certificate of the judge or justices of the Supreme Court, provided in Section 483 of the Code of Criminal Procedure; and to certify the same under his hand and seal of the court, and transmit the same to the Clerk of this Court. Which certificate shall be substantially in the following forms:

In Civil Cases as follows:

Territory of Dakota }
County of ——— } ss. ——— Judicial District

I, ——— Clerk of the district court within and for the said County of ——— in the ——— Judicial District of the Territory of Dakota, (or Clerk of the United States District Court for the ——— Judicial district, Territory of Dakota) do hereby certify, that the above and foregoing, is a full, true, correct and complete transcript and copy of the notice of appeal and proof of service thereof; of the judgment roll, (or, of the notice of appeal with proof of service thereof, and of the order appealed from, and of all the papers and proceedings upon which such order was granted) and of the certificate of the Judge in the above entitled action (or proceeding) wherein ——— is plaintiff and ——— is defendant,

as the same now remains of record in the said Court.

In witness whereof I have hereunto set my hand and affixed the seal of said Court this — day of ——— A.D. 18

Clerk.

In Council it occurs as follows:

Territory of Dakota }
County of ——— } ss. Judicial District

I, A.B. Clerk of the District Court within and for the said county of ——— in the ——— judicial district of the Territory of Dakota, (or Clerk of the United States district Court for the ——— judicial district, Territory of Dakota) do hereby certify and return in obedience to the annexed writ of Error, that the above and foregoing is a full, true, correct and complete Copy and Transcript of the record of this action, to wit: of the indictment, of the minutes of the filers, (or declaration) and of the minutes of the trial; of the charges given and refused, and the indorsements thereon; and of the judgment, and also of all bills of exceptions, the assignment of errors and prayer for reversal, and of the certificate of the judge, in the foregoing entitled cause wherein the Territory of Dakota, (or the United States) is plaintiff, and ——— is defendant, as the same remains of record in said Court.

In witness whereof I have hereunto set my hand and affixed the seal of said Court, this — day of ——— A.D. 18

Clerk.

The prepayment of the fees for the rendition of the services of the Clerk as provided in the foregoing rule is regulated by Section 32 of Chapter 39 of the Political Code.

Rule 11

All criminal causes shall be placed first on the Calendar in the order of the date of the filing of the petition, and shall have precedence of all other business, and shall be tried at the Term at which the transcript is filed, unless Continued or otherwise disposed of; and shall if practicable, be decided at the same term, and the pendency of the appeal in the Supreme Court shall in no case be a cause for delay, unless Specially ordered by the Court.

U. S. Supreme Court, December Term, A.D. 1878. 142 day of Term.
Continued

Rule 12

All civil cases shall be placed on the calendar by the Clerk in the order of the filing of the transcript, and shall (with the specified exceptions) be entered consecutively from term to term on one Continuous Series; and no civil cause shall be placed on the Calendar after the day preceding the opening of the next succeeding session of the Court.

Rule 13.

On civil actions and proceedings the judgment-roll or record, in cases brought to this Court, as certified by the Clerk of the District Court, must also contain a certificate of the judge, or of a justice of the Supreme Court, as appended to the original judgment-roll, stating, in substance, that the foregoing papers, numbered, are contained in and constitute the judgment-roll in the whole of such judgment-roll.

Rule 14.

The judgment-roll, mentioned in Rule 10, as certified to in this Court, must only contain the pleadings, the judgment, the verdict of the jury, or decision of the judge, the report of the referee, if any, the offer of the defendant if any, the bill of exceptions, or case as settled and certified by the judge, and such other orders and papers as have been by the direction of the judge, incorporated into and made part of the judgment-roll, and which necessarily to or the merits and affect the judgment. Any bill of exceptions which contains matter not necessary to determine the errors complained of, or not containing the certificate prescribed by the Statute and these Rules, will be liable to be stricken out on motion or otherwise.

Rule 15.

In proceeding upon the judgment-roll or records in all cases brought to this Court, the parties, and the Clerks of the District Courts, must arrange the papers, pleadings, orders and proceedings in the chronological order, provided by law for the preparation of the transcript, and when the transcript is prepared for this Court, it must be filed by the Clerk, carefully taped, and the pages are each page numbered.

Rule 16.

In civil actions and proceedings, the appellant, or plaintiff in error, shall file with the clerk of this court to be appended to the transcript an assignment of errors which assignment need follow no stated form, but must in a way as specific as the case will allow, point out the very error objected to, and only such as he expects to rely on and ask this Court to examine. Among several points in a demurrer, or in a motion, or in the instruction, or in other rulings excepted to, it must designate which is relied on as error, and this court will in its decisions, only regard errors which are assigned with the requisite specificness.

And in criminal causes the counsel for the plaintiff in error may also file a like assignment of errors in this Court, specifically setting forth the very errors he desires to have reviewed, as in this rule provided.

Rule 17

In all civil cases the appellant or plaintiff in error shall deliver or mail to the clerk of this court fifteen days before the first day of the term of the court at which the cause may be heard, ten printed copies of an abridgement or abstract of the record in the cause, setting forth so much thereof only as is necessary to a full understanding of all the questions presented to this court for decision. He shall at the same time also deliver a copy of the same to the counsel for the respondent or defendant in error, and if there be more than one respondent or defendant in error, to the counsel of each. The abstract shall be prepared and printed as substantially the following form:

In the Supreme Court of the Territory of Dakota.

June Term 18—

John Doe, Appellant (or plaintiff) in error.
vs
Richard Roe, Respondent (or defendant) in error.

Complaint.

(~~Statement~~ The plaintiff, in his complaint states his cause of action as follows:

(Set out all the complaint necessary to an understanding of the questions to be presented to this Court, and no more.

In stating such abstracts, or such all, according to usual

irrelevant facts, as, for example, if the exhibit be a deed or mortgage and no question is raised as to the acknowledgment, omit the acknowledgment.

When the defendant has appeared it is usual to encumber the record with the summons, or the return of the officer. Append to the abstract of each paper a reference to the page of the Manuscript on which it will be found.)

Demurrer.

(So much complaint the defendant demurred, setting up the following grounds:

(State only the grounds of the demurrer, omitting all formal parts. If the pleadings was a motion and the ruling thereon is one of the questions to be considered, set it out in the same way, and continue.)

And on the —— day of —— 18 . the same was submitted to the Court, and the Court made the following ruling thereon:

(Here set out the ruling. In every instance let the abstract be made in the chronological order of the events in the case—letting each ruling appear in the proper connection. If the defendant pleaded over, and thereby waived his right to appeal from these rulings, no mention of them should be made in the abstract, but it should continue:)

Answer.

Which complaint the defendant answered, setting up the following defenses:

(Here set out the defenses, omitting all formal parts. If motions or demurrers were interposed to the pleadings proceed as directed with reference to the complaint.

Here the record so that it will properly present all questions to be reviewed and raised before issue is joined.

When the Transcript shows issue joined, proceed:)

On the —— day of —— 18— . said cause was tried by a jury, (or the Court, as the case may be) and on the trial the following proceedings were had:

(Set out so much of the bill of exceptions, or case, as is necessary to show the rulings of the Court to which exceptions were taken during the progress of the trial; and if the evidence, or any part thereof, be embraced in the bill of exceptions, or case, epitomize the same with a

reference to the page of the transcript on which the evidence is fully may be found.)

Instructions

At the proper time the plaintiff (or defendant as the case may be) asked the Court to give each of the following instructions to the jury:

(Set out the instructions refused and continue:)

which the Court refused as to each instruction, to which several rulings the plaintiff (or defendant) at the proper time excepted, and thereupon the Court gave the following instructions to the jury:

(Set out the instructions

To the giving of those numbered (give the numbers, if numbered or if not numbered), to the giving of the following portions thereof: (Setting out the portions), and to the giving of each thereof, plaintiff (or defendant) at the proper time specifically excepted.

Verdict.

On the —— day of —— 18— the jury returned the following verdict into Court:

(Set out the Verdict)

(If the cause is tried by the Court, instead of the instructions and verdict of the jury, set out so much of the finding of fact and conclusions of law, and requests for findings, if any, together with the exceptions relating thereto, as may be necessary to present the error complained of.)

Motions for new trial

On the —— day of —— 18—, the plaintiff (or defendant) moved for a new trial upon the following grounds:

(Set out the grounds for a new trial.)

On the — day of —— 18—, the Court made the following ruling upon said motion:

(Set out the record of the ruling) to which the plaintiff (or defendant) at the proper time excepted

Judgment

On the —— day of —— 18—, the following judgment was entered:

(Set out the judgment entry (or order) appealed from.)

On the —— day of —— 18— the plaintiff (or defendant) perfected an appeal to the Supreme Court of the Territory of Dakota by serving (upon the plaintiff (or defendant)

as the case may be) and the Clerk of the district Court of _____ County a notice of appeal, or caused a writ of error to issue.

(If Supersedeas bond was filed state the fact.)

Assignment of Errors.

And the appellant (or plaintiff in error as the case may be) says that in the record, in this manifest error appears on the face of the record, in this:

(Set out the error assigned.)

(So the abstract of each person and entry appealed or referenced to the page of the transcript on which it will be found.

This rule is prescribed for the purpose of indicating the character of the abstracts contemplated by the rule, which, like all the rules, is to be substantially complied with. Of course no formula could be laid down applicable to all cases. The rule to be observed in abstracting a case is: Present everything material to the questions to be decided, and omit everything else.)

The abstract must be accompanied by a Complete index of its contents, and must show where the papers and entries therein mentioned may be found in the transcript as well as in the abstract.

Rule 18

If the respondent, or defendant in error, shall deem the abstract of the appellant, or plaintiff in error, insufficient or unfair, he may within ten days after receiving the same, deliver to the counsel of the adverse party one printed copy, and deliver or mail to the Clerk of this Court ten printed copies of such further or additional abstracts as he shall deem necessary to a full understanding of the questions presented to this Court for decision.

Rule 19

Not less than ten days before the first day of the term at which any civil cause may be heard, the counsel for the appellant, or plaintiff in error, shall leave with the counsel of the adverse party one copy, and shall deliver or mail to the Clerk of this Court ten copies of his brief, and not less than ten days before the first day of such term the counsel for defendant in error shall leave with the counsel of the adverse party one copy, and deliver or mail

of the Clerk of this Court ten copies of this brief, which brief shall be printed and shall contain a statement of the facts relied on and the authorities to be cited in support of the same.

Rule 20

Rules 17, 18, and 19 are hereby made applicable as well to criminal causes, with the following exceptions and modifications. When because of the poverty of the defendant counsel has been assigned to his defense, and such defendant makes and files with the Clerk of this Court an affidavit stating his inability that he is financially unable to pay the expenses thereof, the printing of such abstracts and briefs may be dispensed with and only four copies each of the printed abstract and brief need be filed with the Clerk. And in all criminal causes the abstracts must be served by plaintiff in error not less than ten days before the return day of the citation and the amended abstract not less than three days before such return day; and the brief of the plaintiff in error must be served not less than six days before such return day, and the brief of the defendant in error not less than one day before such return day.

Rule 21

The manner of bringing on the argument in criminal causes, and the hearing thereof, are prescribed in Sections 489. 490. 491 and 492 of the Code of Criminal Procedure.

Rule 22

Only two counsel shall be permitted to argue for each party in a cause, except in Capital cases, and the Court may limit the time to be occupied by counsel for each side, before the argument shall commence; and any cause may be submitted on printed arguments or briefs.

Rule 23

The Clerk shall distribute the printed abstracts and briefs required by these rules to the furnished boxes, as follows; One copy of each to each of the justices when the case is called for hearing; one copy of each to the reporter of the Supreme Court, and two copies of each to the Territorial Library, and the remaining copies to be by him kept ready for the use of Criminal Cases, when, under Rule 20, the proceeding of the

is dissatisfied with, the Clerk shall deliver one copy of each to each of the justices. (one of which upon the determination of the case, will be returned to the Clerk for the use of the reporter) and the remaining copy he shall retain with the papers in the case.

Rule 24

The time within which writs of error in civil actions and proceedings may be sued out, shall be limited as provided for suing appeals, contained in section 413 of the Code of Civil Procedure.

Rule 25

All motions made or submitted to the court shall be in writing, accompanied by the affidavits or papers upon which the same are based, copies of which shall be served on the adverse attorney, and shall not be taken up until the day following the service thereof unless the cause is sooner reached for hearing.

Rule 26

Rehearing will be granted only upon the order of the court under such rules as shall be prescribed in the particular case.

Rule 27

The opinions of the court in all questions received on appeal or writ of error, as well as on such motions collateral questions and points of practice, as the justices may deem of sufficient importance, shall be reduced to writing, and after having been delivered in open court, shall be filed with the Clerk, and no judgment shall be announced or entered until the delivery and filing of the opinions.

Rule 28

All dissenting opinions must be in writing, and may be filed in vacation, but must be within thirty days after the close of the term at which the cause was decided; and the records must in all cases, show whether a decision was given by a full bench, and whether either, and if so, which, of the justices dissented from the opinion.

Rule 29.

It shall be the duty of the Clerk to insert the approved of the Reporter's Table of the rescinded, superseded, or other

proper process issued by the Court below, and annex to the same the bill of items taxed in detail; but such succeeding proceedings or process shall not be executed, as in civil cases until the costs in this court shall have been paid.

Rule 30

A failure to comply with any of the requirements contained in these rules within the times therein provided, will in the discretion of the court, be cause for dismissal of the appeal, or writ of error, or affirmance of the judgment, as the case may demand.

Rule 31

The rules governing the admission of persons to practice as attorneys and counselors at law of this court are prescribed by Chapter 18 of the Political Code.

Ordered: That the foregoing rules be and the same are hereby adopted, and shall govern the practice in all actions and proceedings hereafter to be brought into this Court as supplemental to the various provisions of the revised codes relating thereto, to take effect and be in force from and after this date. and the rules heretofore in force are hereby repealed, except as to causes now pending herein.

And it is further ordered that the Clerk shall send these rules upon the record and make cost and deliver one complete certified copy to the United States Marshal, who shall procure three hundred copies of the same, to be furnished for the use of this Court and members of the bar.

Done in open Court, this Second day of January A.D. 1879.

By the Court
Peter Wolhaupter
Chief Justice.

And now January 2nd 1879. comes Hough. J. Campbell. U.S. Attorney and suggests to this court that the rules of this court heretofore in force adopted April 26. 1876. having become in many instances obsolete by reason of the changes by the Legislature of provisions of the Revised Code in conflict therewith and this court by

U. S. Supreme Court, December Term A.D. 1878. 15th Day of Term.

Monday January 6th 1879.

Court met pursuant to adjournment.

Present

Hon. Peter C Shannon Chief Justice
" Gideon N Moody Associate "
Hugh J Campbell U S attorney
John B. Raymond U S Marshal
J H. Burdick Clerk
C P. Edmunds & H Elliott Bailiffs
B S. Williams Deputy

And the Supreme Court
for Dakota Territory }

And now ~~[redacted]~~ this 6th day of January 1879 comes Hugh J Campbell Esqr U S attorney and moves this Court that Roberts H Morgan Esqr. an attorney of the Bar in this 1st District, of said Territory who is a practicing member of said Bar. and who is also a counsellor at Law of the Bar of Illinois, Michigan, Colorado & Nevada. be admitted to practice in this Court.

Hugh J Campbell U.S. attorney

And now here day appears in Court the said Roberts H Morgan, and in open Court in presence of the Bar, the Oath prescribed by law is administered to him and therefore it is ordered that he be admitted to practice as an attorney and counsellor at law of this Supreme Court

By the Court
Peter C Shannon
Chief Justice.

And now this Court is adjourned until Thursday the 9th day of January A.D 1879. at 11 o'clock A.M. this forenoon

In the Supreme Court of N.S. 16th Day of January
Tuesday January 7th 1879

Present
The Honble Peter C. Shannon Chief Justice
" Sidney L Woody Puisne Justice
" Joseph J Crawford Do
John B Ritcheson Do
The Honble Benjamin Wier
Do Edmund H H Elliott Do
Do William Leslie

Harris Manufacturing Company
Respondent
vs
James M Walsh Appellant

And now This 9th day of January 1879. Justice Woody in open Court read the decision in the above entitled cause whereupon the following order was made.

Harris Manufacturing Company.
Respondent
vs
James M. Walsh. Appellant

The above appeal coming on to be heard on the 18th day of December A.D. 1878 was submitted upon brief of counsel & was taken under advisement.

And now January 9th A.D. 1879. upon consideration thereof it is ordered and adjudged that the said appeal be and it is hereby dismissed, without prejudice to the defendant bringing a new appeal if he shall be so advised after final judgment if Judgment shall be against him.

The appellant to pay the costs of this appeal.

By the Court
Peter C Shannon Chief Justice

Robert Wade et al. Respondents
vs
S. A. Cady et al Appellants

And now This 9th day of January A.D. 1879.
Justice Woody in open Court read the decision in the above entitled Cause whereupon the following order was made.

Robert W Gale et al Respondents
vs
S N Caley et al Appellants

This cause coming on to be heard on the record of the Circuit Court of Decatur County and briefs of counsel for appellants, and no one appearing for the appellees the said cause was taken, under advisement.

And now January 9th A.D. 1879. upon consideration, it is ordered and adjudged that said appeal be, and is hereby dismissed without prejudice to the appellees right to sue out a new appeal if he shall be so advised within ninety days from judgment if judgment shall be against him.
The appellants to pay the costs of this appeal

By the Court
Peter C Shannon
Chief Justice

Delay County
vs
R. J Simmons et al } It is hereby stipulated and agreed by and between the parties plff and Defts in this cause that a final judgment upon demurrer now pending be rendered sustaining said demurrer that judgment is to be entered in said action in the amount admitted in Defts answer to have become vested by Defts Simmons in money and other property, to wit a note dated of June Thousand one hundred and seventy Dollars

Dated June 29th 1877.

Boulden Snipes of Defts Counsel
Alexander Hughes " Plaintiff Counsel

And now Jan 9th. 1879. the within Stipulation presented in the Supreme Court—and it appearing that the same was filed and now only found a few days ago, and that it should have been filed with the day of its date— Ordered that said Stipulation be nunc pro tunc filed as of said 29th day of June, 1877. By the Court
Peter C Shannon Justice

Not—The Opinion of the court was read by Hon Justice Bennett & judgment given on the 20th day of August, 1877.
See Record and Opinion.

And now at 2 o'clock P.M. Court is adjourned until Tuesday the 16th day of January 1879 at 11 o'clock in the forenoon of that day

U. S. Supreme Court, December Term A.D. 1878. 17 Day of Term.

Tuesday January 16th 1879

Court met pursuant to adjournment.

Present

Honorable Peter C. Shannon Chief Justice
Hugh J. Campbell U.S Attorney
John B. Reynard by J. W. Bradick Deputy
L. H. Elliott Bailiff
B. L. Williams Clerk

The Special Justices of this Court being absent the following order was made. to wit

Ordered — .in the absence of Justices Barnes & Handy. that this Court be adjourned until Monday the 27th day of January A.D. 1879. at 11 o'clock in the forenoon of said day

By the Court
Peter C. Shannon
Chief Justice.

U. S. Supreme Court, December Term A.D. 1878. 18th Day of Term.

Monday January 27th 1879

Court met pursuant to adjournment

Present

Honorable Peter V Sherman Chief Justice
Hugh J Campbell U S Attorney
John B Payne Esq U S Marshal
J H Benedict Crier
L P Edwards & L H Elliott Bailiffs
B F Williams Clerk

Associate Justices Barnes & Snoody being absent the following order was made and entered of record

Ordered - That in the absence of Justices Barnes and Snoody that this Court be adjourned until Monday the 3rd day of February A.D. 1879 at 11 o clock in the forenoon of said day

By the Court
Peter V. Sherman
Chief Justice

U. S. Supreme Court, December Term A.D. 1878: 19th Day of Term.
Monday Feb 3rd 1879.

Court met at the Court Room in the City of Jeanette.
D. Justment Adjournment.
Present
Honorable Peter C Shannon Chief Justice
All Banes Associate "
Hugh J Campbell US attorney
Jno B. Raymond by C P Belcannado Deputy
" J. H. Benedict " Crier
S. H. Elliott Bailiff
B. S. Wilkinson Clerk

Elizabeth A. Wrenbole Respondent
vs
Obed Foote Appellant.

And now this 3rd day of February A.D. 1879. Chief Justice Shannon in open Court read an opinion in the above entitled cause whereupon the following order was made. —

Elizabeth A Wrenbole — Respondent
vs
Obed Foote Appellant.

The above appeal coming on to be heard on the 20th & 21st day of August A.D. 1879. and was argued by C. J. B. Harris Esqr for Appellant and by Ingersoll Woody & Smith for Respondent. the said cause was taken under advisement —

And now February 3rd 1879. upon consideration thereof it is ordered and adjudged that the judgment of the Court below be and the same is hereby Affirmed
All the Justices Concurring — By the Court

H. A. Jarrett Smith — Respondent
vs
Charles A Scott Sheff of Lincoln
County D.T. — Appellant

And now this 3rd day of February A.D. 1879. Justice Bonner in open Court read an opinion in the above entitled cause Whereupon the following order was made —

H. A. Jarrett Smith — Respondent
Charles A Scott as Sheriff of Lincoln
County D.T. — Appellant

The above appeal coming on

Assignment

to be heard on the 12th day of December A.D. 1878. and was argued by Mr Gifford for appellant and by Mr Joy for respondent. The said cause was further under advisement.

And now February 3rd. A.D. 1879. upon consideration thereof it is ordered and adjudged that the judgment of the Court below be and the same is hereby reversed with costs and a new trial ordered. By the Court

In the United States Supreme Court for the District of Dakota at a term thereof begun and held at Yankton on the 10th day of December 1878. Present— The Honorable Peter C Shannon and A. H. Barnes Justices the following order was made and entered of record, to wit:

Whereas John B. Raymond, United States Marshal has rendered to this Court an account of his fees and disbursements at and previous to the December Term 1878 at Yankton of the United States Supreme Court aforesaid, with the vouchers and items thereof, and in the presence of Hugh J. Campbell United States Attorney, has proved on oath to the satisfaction of this court that the services and travel therein charged, have been actually and correctly performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law—

It is hereby ordered that the said account, amounting to Seven dollars and — cents, be and the same is hereby approved

By the Court
Peter C. Shannon
Chief Justice

Feb 3rd 1879.

District of Dakota Territory. ss.

In the United States Supreme Court for said District at a term thereof begun and held at Yankton on the 10th day of December A.D. 1878. Present Hon Peter C Shannon Chief Justice and A.H. Barnes Associate Justice of the Supreme Court, the following order was made and entered of record, to wit:

Whereas John B Raymond United States Marshal has rendered to this Court an account of his fees and disbursements at and previous to the June and December Term 1878 of the Territories of the United States Supreme Court, with the vouchers and items thereof, and in the presence of Hugh J. Campbell United States Attorney, has proved, on oath

Continued

of the Satisfaction of the Court, that the Services and Travel therein Charged, have been actually and necessarily performed as therein stated, and that the disbursements Charged have been fully paid in lawful money; and Whereas said Charges appear to be just and reasonable; Now,—

It is hereby ordered that the said Account amounting to Three Hundred & Thirty One 00/100 Dollars be and the Same is hereby approved—

By the Court
Peter C Shannon
Chief Justice Presiding

February 3rd 1879.

And now this Court is adjourned until next Thursday the 6th day of February A.D. 1879. at 7 o'clock P. M. of said day.

By the Court
Peter C. Shannon
Chief Justice

U. S. Supreme Court. December Term A.D. 1875. 20th Day of Term.

Thursday February 6th 1879.

Court met pursuant to adjournment.

Present

Honorable Peter C Sherman chief Justice
Hugh J Campbell U S Attorney.
J B Raymond U S Marshal by C P Edmonds Dep'y
J H Benedict Crier
B S Wilkerson Clerk

Justices Bonner & Moody being absent the following order was made and entered of record.

Ordered that in the absence of Justices Bonner and Moody Associate Justices of this Court— that this Court be now adjourned until Friday the 7th day of February At 7 o-Clock and 30 minutes P M.

By the Court
Peter C Sherman
Chief Justice

U. S. Supreme Court December Term 1878. 21st Day of Term.

Friday December 7th 1878.

Court met pursuant to adjournment.

Present

Honorable Peter C Sheemun Chief Justice
Hugh McCampbell U.S. attorney
Jno B. Raymond U.S Marshal by C.P. Belmunds Deputy
Jno Benedict Crier
B. L. Williams Clerk

Justices Barnes and Moody being absent the following order was made and entered of record.

Ordered.- that in the absence of Justices Barnes and Moody Associate Justices of this Court— that this Court do. and it is hereby adjourned until Friday the 28th day of February A.D. 1879 at 12 O-clock M.

By the Court
Peter C Sheemun
Chief Justice

U. S. Supreme Court, Decr. Term A.D. 1878. 22nd Day of Term.

Friday February 28th 1879.

Court met pursuant to adjournment.

Present Hon Peter C Shannon Chief Justice
Hugh J. Campbell U.S Attorney
Jno B Raymond U.S Marshal
H.L.B Burchett Crier
C.P. Johnson Bailiff B.S Williams Clerk

In Supreme Court Territory of Dakota

Elizabeth A. Hambol
vs
Obed Foot
} Motion for Reargument.

Now comes the defendant (appellant) in the above entitled action by C.J.B. Harris his attorney and moves this Honorable Court for a reargument, and states the following among others as the points or grounds to be taken upon said reargument. 1st All the instruments sought to be cancelled by plaintiff are void on their face and hence are no cloud upon her title.

2 This action cannot be sustained without the actual or constructive possession of the plaintiff. Defendant has the right of possession during the life of plaintiffs husband, since no legal possession can be had either actual or construction by her until the death of her husband.

3. As the law existed at the time of plaintiffs marriage, her rights in the property became suspended during the life of her husband. No subsequent legislation could restore to her any rights in this property which had been vested in her husband by the marriage and no action can be maintained by her relative to the same during his life

4. The only action allowed by our laws to remove clouds from title or to quiet title is that prescribed by Chapter 15 of the laws 1868-9. and as plaintiff has not brought herself within the provisions of that act this action can not be sustained. This is not a common law or Chancery action but is governed by Statute law and can not be extended no further than the Statute will warrant.

All of which points or grounds were overlooked in the argument or the Opinion of the Court.

C.J.B. Harris Attorney for Deft (appellant)

The Official Justices of this Court being absent the following order was made and entered of record.

Ordered— that in the absence of Justices Bennett & Moody that this court be and it is hereby adjourned until Saturday the 10th day of May A.D 1879. at eleven o-clock a.m. this forenoon

Peter C. Shannon
Chief Justice

U. S. Supreme Court, December Term A.D. 1878. 23 Day of Term.

Saturday May 10th AD 1879.

Court met at the Court room in the City of Lincoln, pursuant to adjournment.

Present

Honorable Peter G Shannon Chief Justice
Hugh J Campbell U S Attorney
John B Raymond U S Marshal
Le P Edmunds & H Elliott Bailiffs
B S Williams Clerk

And now May 10th 1879. appeared Honorable Peter G Shannon and there not being a quorum present, according to law

It is ordered that the adjourned December Term 1878 further continue until Monday next the 12th day of May 1879. at Ten o'clock of said day as then may be a quorum present

By Peter G. Shannon
Chief Justice

U. S. Supreme Court, December Term A. D. 1878. 24th Day of Term.

Monday May 12th 1879.

Court met pursuant to adjournment

Present

Honorable Peter C. Shannon Chief Justice
" A. E. Barnes Associate
" G. G. Moody "
Hugh J. Campbell U.S Attorney
John B. Raymond U.S Marshal
E. P. Edmunds & L. L. Elliott Bailiffs
B. J. Williams Clerk

The Court being duly opened the following proceedings were had.

Otto Uhlig
Respondent
vs
A. G. Garrison and Garret Anderson. Appellant

Appeal from the District Court of Lawrence County

Unlawful detainer

Opinion of the Court read and filed in open Court by Shannon Chief Justice. And the following Judgment of Court entered of record.

Of an adjourned Session of the December General Term of the Supreme Court of Dakota Territory held at the Court House in the City of Deadwood - Lawrence County in said Territory on the twelfth day of May A.D. 1879.

Present Honorable the Judges of said Supreme Court as follows: Peter C. Shannon Chief Justice. and A. E. Barnes and G. G. Moody Associate Justice. and the Clerk of said Court.

Otto Uhlig
Respondent
vs
A. G. Garrison and Garret Anderson Appellant

The appeal from the Judgment heretofore entered in this action in the District Court for the County of Lawrence, at the last Judicial Session of said Court in

U. S. Supreme Court, December Term A.D. 1878. 24th Day of Term

Continued

Dakota, having been heard at the present term of said Supreme Court — It is now on motion of Bartlett Shipp of Counsel for appellants, ordered and adjudged that the said Judgment entered in the District Court in and for said County of Lawrence be and the same is hereby reversed. that the cause be remanded to the Court below. that the complaint be there dismissed and that the appellants recover of the respondent Otto Uhlig the sum of Eight dollars Twelve & 50 cents Disbursements & 50 cents Clerks fees the costs of said appeal.

By the Court

Peter C Shannon Chief Justice

Otto Uhlig
vs
A G Garrison and Garrett Anderson
} Appeal from the District Court of Lawrence County.

Ejectment.

Opinion of the Court read and filed in open Court by Shannon Chief Justice — and the following Judgment of Court entered of record.

At an adjourned Session of the December General Term of the Supreme Court of Dakota Territory held at the Court House in the City of Yankton, Yankton County in said Territory on the 12th day of May A.D. 1879.—

Present the Honorable the Judges of said Supreme Court as follows to Wit: Peter C Shannon Chief Justice and A.E. Barnes and L.E. Bradley Associate Justices and the officers of said Court. —

Otto Uhlig
Respondent
vs
A.G. Garrison and Garrett Anderson
Appellants
} The appeal from the Judgment & Decree entered in the District Court of the First Judicial District

Continued

ion and for the County of Lawrence Dakota Territory having been heard at the present Term of said Supreme Court and the Court fully advised in the premises — It is now on motion of Bartlett Sloan of Counsel for appellants ordered and adjudged that the said judgment be and the same is hereby reversed, and a new trial ordered with costs to abide the event of such trial Seventy five Eight & 80/100 Dollars Twelve dollars disbursements

By the Court

Peter C Shannon Chief Justice

Clay County
vs Respondent,
R. J. Simonson et. al,
Appellant
} Appeal from the judgment of the District Court of Union County.

Opinion of the Court read and filed in open Court by Shannon Chief Justice. and Judgment of the District Court affirmed

Marianna K Lehrenger
Plff and Respondent
vs
The Mutual Life Insurance Company of New York
} Appeal from Pembina County.

Opinion of the Court by Barnes Special Justice Judge Moody Concurring and Chief Justice Shannon dissenting.—
And the following Judgment of Court entered of record.

Territory of Dakota
In Supreme Court
} Appeal from the District Court of Pembina County.

Marianna K. Lehrenger
Plff & Respondent
vs
The Mutual Life Insurance Company of New York.
} Adjourned December Term 1878.

At the adjourned December Term of the Supreme Court of the Territory of Dakota held at the Supreme Court Room at the City of Yankton the Capital of said Territory on the 12th day of June A.D. 1879. Present the Honorable Judges of said Supreme Court to wit:

U. T. In Supreme Court, December Term A.D. 1878. 24th Day of Term.

Continued

Peter C Shannon Chief Justice, and A H Bowers and C C Moody Associate Justices and the Officers of said Court.

The appeal from the judgment entered in this action in this District Court of Gunnison County on the 17th day of May A.D. 1878. for Three Hundred and Ninety-Dollars and Three Cents, having been heard at the present Term of said Supreme Court, and the Court being fully advised in the premises, It is on Motion of Gamble Bradley attorney for Appellant, having heard Alice Shannon for respondent. Adjudged.

That the said Judgment be and the same is hereby reversed, and the cause is remanded to the said District Court with direction that the action be dismissed and that the appellant recover Seventy Three & 20/100 Dollars of the respondent Mariana F Blevens, the costs of this appeal Done in open Court this 12th day of May A.D. 1879.

By the Court.

Peter C Shannon Chief Justice.

And now (after recess.) Honorable Jefferson P. Kidder having been appointed by the President of the United States of America and confirmed by the Senate as one of the Judges of this Territory and having taken the oath of Office, And now takes position as one of the Associate Justices of this Court.

Elizabeth A Warnock
vs
Obed Foote
} Motion for Reargument.

Motion for reargument having been heretofore filed. Dist Feb 28th A D 1879.
" Briefs cases &c J B Harris Esqr for. and Smith contra heard upon consideration thereof. denied as follows.
And now May 12th, 1879. the above motion for reargument coming on to be heard, is argued by Jas Harris, Counsel for the Appellant, and by Jay Smith Contra: And on Consideration, it is Ordered that the motion be denied

By the Court
Peter C Shannon Chief Justice

No Attorney Fee in this case.
P C Shannon
for Appellant

In Supreme Court
Territory of Dakota

At a regular adjourned Term of the Supreme Court of Dakota Territory held at the Court House in the City of Yankton in said Territory on the 12th day of May A.D. 1879. Present the Hon Peter C Shannon Chief Justice, and Associate Justices A H Barnes and Jefferson P Kidder & the Officers of said Court.

Elizabeth A Wambold
vs Respondent
Obed Foote
Appellant

The appeal of the defendant Obed Foot from the judgment entered in this action in the District Court of Yankton County in the Second Judicial District D.T. on the 23rd day of January A.D. 1878. having been brought to a hearing at the regular June 1878 Term of this Court, and after hearing E J B Hannis Esqr Counsel for appellant and G C Moody Esqr of Counsel for respondent, this Court took the same under advisement and made an order that an opinion be filed and judgment entered at the December 1878 Term of said Court, and afterwards D W T. on the 28th day of February A.D. 1879. the appellant filed a motion for reargument of said case, said motion being made at the said December Term of said Court. And said motion coming on for hearing, and hearing been on the 12th day of May A.D. 1879. decided by this Court, it is now on motion of E S Smith of Counsel for respondent. Adjudged, that the said judgment of the said District Court be and the same is in all things affirmed, and that the respondent Elizabeth Arcenage Wambold recover of Obed Foote the appellant the costs of this appeal. — By the Court
Peter C Shannon
Chief Justice

And now at 10 o clock P.M. this Court is now adjourned without day
By the Court
Peter C Shannon
Chief Justice

Attest. B S Wilkinson
Clerk

U. S. Supreme Court, Territory Dakota A.D. 1879. 1st Day of Term.

Tuesday May 13th 1879

Be it remembered that on this 13th day of May A.D 1879. it being the 2nd Tuesday of May A.D 1879. The Honorable Supreme Court of Dakota Territory, Met at the Court Room in the City of Yankton D.T. pursuant to Law. —

Present

Honorable Peter C Shannon Chief Justice
" A H. Barnes Special Justice
" G. C. Moody " "
" J. P. Kidder " "
Hugh J. Campbell U.S Attorney
John B. Raymond U.S Marshal
C. P. Edmunds. J. M. Elliott & Francis Baileys
B. J. Williams Clerk

Territory of Dakota Defendant in Error vs William Gay Plaintiff in Error	No 1631 Writ of Error to District Court of Lawrence County Indictment for Murder

And now comes J. R. Gamble Esqr one of the Attorneys for Plaintiff in Error and proceeds with his argument.

And now at 6 o'clock P.M. Court is adjourned until Wednesday the 14th day of May at 10 o-clock in the forenoon

Court met pursuant to adjournment.
Present

Honorable Peter C Shannon Chief Justice and
Honorable A.H. Barnes G.C. Moody and J.P. Pottier Asociate Justices.

Hugh J Campbell U.S. Attorney
John B. Rayner and W.S. Maxwell
C.P. Edmunds. L.A. Elliott and C Morris Barclift
B. Williams Clerk

The Court being duly opened the following proceedings were had. Viz:

The Territory of Dakota
Ex rel. Emily Hall
Respondent
vs
D.T. Brandt et al
Appellants } In Supreme Court.

It is hereby Stipulated by and between the parties to the above Entitled action — that the same be continued for argument to the next term of the Supreme Court.

Bartlett Tripp of
Appellants Counsel.
May 13th 1879. J.B. Gamble of Counsel
for Respondent.

And May 14th, 1879, the above Stipulation being presented to the Court, it is ordered, that the same be filed, and the cause continued accordingly. —

By the Court.
Peter C. Shannon.
Chief Justice

On the Supreme Court of Dakota Territory at a regular Term thereof, begun and held at Yankton on the 13th day of May A.D. 1879. Honorable Peter C. Shannon A.H. Barnes G.C. Moody and J.P. Pottier Judges thereof the following order was made and entered of record, to Wit:

Thereas by Statute of the Territory of Dakota this Court has rendered its decision in the above entitled cause on the 13th day of May A.D. 1878. and the time

U. S. Supreme Court. May Term A.D. 1879. 22nd Day of Term.

(Thursday May 15th continued

Court in the presence of Hugh J Campbell Esqr United States attorney, has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated.—

And Whereas said charges appear to be just and according to law.

It is hereby ordered that the said account amounting to Fifty-Nine Dollars and seventy five cents be and the same is hereby approved.—

By the Court

May 14th 1879. Peter C. Shannon Chief Justice

In the Supreme Court of Dakota Territory at a regular Term thereof begun and held at Yankton on the 13th day of May A.D. 1879.

Present, Peter C Shannon Chief Justice. Bennett G.C. Moody and J. Pettigrew Judges thereof the following order was made and entered of record, to wit.

Whereas D.C. Williamson Clerk of the Supreme Court has rendered to this Court an account of his fees as the same

December Term A.D. 1878. with the items thereof and in the presence of Hugh J Campbell Esqr United States attorney has proved on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated. —

And Whereas said charges appear to be just and according to law.

It is hereby ordered that the said account amounting to Fifty dollars and Eighty five cents, be and the same is hereby approved.—

By the Court

Peter C Shannon Chief Justice.

The Territory of Dakota
vs
William Gay
Deft in Error.
Pltff in Error

No 631
Writ of Error to District Court of Lawrence County

Error cause. A. H. Headley, and proceeds with argument for the Territory of Dakota

Court rose at 3. o'clock P.M. Cause Hugh J Campbell Esqr with argument for the appellant in the above entitled action.

Court rose at 6 o'clock P.M. to meet at 9 o'clock A.M. Friday the 16th day of May 1879. at 9. o'clock and 30 minutes in the forenoon.

Court resumes proceedings pursuant to adjournment.

Present -

Honorable Peter C. Shannon Chief Justice
" A.H. Barnes Associate "
" E. C. Wheeler " "
" J. P. Wheeler " "
Hugh J. Campbell Esq U.S. Attorney
Wm B. Wagoner U.S. Marshal

W. N. Edmonds Esq Clerk

Bar of Valley County

The Court being duly opened the following proceedings were had

The County of Dakota)
In Term) ss. 1st Div.
Territory Dak.) Dist of Dak Ter
) Bench of Yankton County

Hon Hugh J Campbell Esq. attorney General of the Territory of Dakota appears in the above entitled action

In the Supreme Court,
Territory of Dakota } ss

In the matter of the application of Albert. Allen and E. G. Smith. to practice in the Supreme Court

And now on this 15th day of May 1879. comes Hugh J Campbell an attorney of said Court, and moves this Honorable Court, that Albert Allen and E. G. Smith be admitted to practice as attorneys and Counsellors at Law in the Supreme Court of the Territory of Dakota, and hereunto Subscribed that the said Albert Allen and E. G. Smith are admitted to practice as attorneys and Counsellors at Law in the District Courts of the Territory of Dakota.

Hugh J Campbell

And the same day on Consideration thereof said motion is granted and the applicants having severally taken in open Court the oath prescribed by law they and each of them severally subscribed to practice as attorneys and Counsellors at Law in the Supreme Court of the Territory of Dakota

Done in open Court this 15th day of May A.D. 1879.

Peter C. Shannon
Chief Justice

U. S. Supreme Court. Term A.D. 1879. 3rd Day of Term.

Continued

The Territory of Dakota
Respondent
vs
Martin S Gault and
Mary Broughton
Plaintiffs in Error
Appellants

No 1641

Writ of Error to the District Court of Pawnee County.

And now comes E. G. Smith Esqr one of the attorneys for the Plaintiffs in the above cause and proceeds with argument.

And now at 5 o'clock P.M. comes A. W. Cockit Esqr with argument for the Territory in the above entitled action.

And now at 6 o'clock P.M. Court is adjourned until Friday the 16th day of May A.D 1879 at 9 o'clock and 30 minutes in the forenoon of said day.

U. S. Supreme Court, Dacy Term A.D. 1879. 4th Day of Term.

Friday May 16th 1879.

Court met pursuant to adjournment.

Present

Honorable Peter C. Shannon Chief Justice
" A H. Barnes Associate Justice
" C. B. Moody " "
" J. P. Kidder " "
Hugh J. Campbell U S attorney
John B. Raymond U S Marshal by H T Austin Dep'y
L. H. Elliott and L. Norris Bailiffs
B. S. Wilkinson Clerk

The Court being duly opened the following proceedings were had viz:

The Territory of Dakota
Plff in Error
vs
Martin L Coats
Plff in Error

Writ of Error to the District Court of Dacota County.

Indictment for Murder.

And now comes H. C. Austin Esqr and proceeds with his argument for the Territory of Dakota in the above entitled actions

And now at 2 O-clock P.M. comes Albert Allen Esqr one of the attorneys for the Plff in Error and proceeds with his argument.

And now at 4 o-clock and 30 minutes P. M. Court adjourned until Tuesday the 20th day of May A.D. 1879. at 9 o'clock A.M. of the forenoon.

U. S. Supreme Court, Dacotah A.D. 1879. 5th Day of Term.

Tuesday May 20th 1879.

Court met pursuant to adjournment.

Present

Honorable Peter C Shannon Chief Justice
" A H Barnes Associate "
" E. L. Moody " "
" J P Kidder " "
Hugh J Campbell U S Attorney
John B Raymond U S Marshal by H T Martin Dep'y
S H Elliott and L Morris Bailiffs
B S Wilkinson Clerk

The Court being duly opened the following proceedings were had to wit:

The Territory of Dakota
Plff in Error
vs
Martin L Cook
Plff in Error

Writ of Error to the District Court of Spink County

Indictment for murder

And now comes A H Barnes Esqr and proceeds with his closing argument for the Territory of Dakota in the above entitled action

And now at 2 o-clock P M comes Hugh J Campbell Esqr with his closing argument for the Plff in Error in the above action and the cause taken under advisement.

And now at 6 o clock P M. Court adjourned until Wednesday the 21st day of May A D 1879 at 9 o clock in the forenoon of said day

U. S. Supreme Court. May Term A.D. 1878. 36

Wednesday May 21st 1878.

Court met pursuant to adjournment.

Present

Honorable Peter C. Shannon chief Justice
" A.H. Barnes Associate "
" L.C. Moody " "
" J.P. Kidder " "
Hugh J. Campbell U.S. Attorney
John B. Raymond U.S. Marshal by H. Thaden Deputy
L.H. Pratt & C. Harris Bailiffs
B.F. Williams Clerk

The Court being duly opened the following proceedings were had & to wit:

United States of America.
Supreme Court
of Dakota Territory } ss

Be it Remembered. That on the 21st day of May in the Year of Our Lord one Thousand eight hundred and Seventy nine. personally appeared before the Honorable Supreme Court of Dakota Territory the Session aforesaid Jens Larson an alien born, above the age of twenty-one years, and applied in open Court to be admitted to become a Naturalized citizen of the United States of America. pursuant to the several acts of Congress, heretofore passed on that Subject. And the said Jens Larson having thereupon produced to the Court record testimony showing that he had declared and reported himself and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oaths of the said Jens Larson as from the testimony of C.C. Clough and L. Knudsen who are known to be citizens of the United States: that the said Jens Larson has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitutions of the United States, and well disposed to the good order, well being and happiness of the same;

U. S. Supreme Court. May Term A.D. 1879. 6th Day of Term.
Continued

owned two years and upwards having elapsed since the said Jens Larson reported himself, and filed his declaration of intention as aforesaid.

It was Ordered, That the said Jens Larson be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty Whatever; and more particularly to the King of Denmark Whereof he was heretofore a Subject which said oath having been administered to the said Jens Larson by the Clerk of said Court, It was ordered by this Court that the said Jens Larson be admitted to all and Singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly.

By the Court
Peter C Shannon
Chief Justice.

In the Matter of the Opening of Gold Street Deadwood D. T.) Motion to dismiss appeal.
vs
George H. Newton.) (See Motions filed)

Now comes J. R. Gamble Esqr. Counsel for Appellee and moves the Court to dismiss the appeal herein for the reasons set forth in the motion filed.

By the Court

In the Matter of the opening of Gold Street Deadwood D. T.
vs
George H. Newton Appellant } Motion to strike out certain papers (See motion filed)

Now comes Martin Tuttle Esqr. Counsel for Appellee and moves the Court to strike out the papers filed by J. R. Gamble Esqr. Counsel for Appellant upon the ground that they are irrelevant to the issue herein and upon consideration thereof it is

By the Court

U. S. Supreme Court, Monday Term A.D. 1879. 6th Day of Term.

Continued

In the Matter of the opening of Gold Street Deadwood Dak.
vs
George H Newton Appellant

Motion to settle bill of exceptions

Now comes J R Bennett Esq for above motion and Bartlett & Fripp Esq Contra.

k

U. S. Supreme Court, Privy Session A.D. 1879. 6th Day of Term.

Wednesday 21st Instant

Territory of Dakota.

In the Supreme Court for said Territory.

Elizabeth A Wannboe
Respondent
vs
Obed Foote
Appellant
} Motion for appeal

And now on the 21st day of May A.D. 1879 comes C J B Harris the attorney for the said appellant Obed Foote and prays This Court, upon the affidavits of J Parker Hayward and George N. Roberts showing the Value of the property in Controversy to be upwards of One thousand Dollars that an appeal to the Supreme Court of the United States from the decision and judgment of the Supreme Court of said Territory rendered in the above entitled cause on the 12th day of May A.D. 1879. be allowed to said Obed Foote, appellant aforesaid, upon his filing an undertaking with the acceptance of the Chief Justice of the Supreme Court of said Territory for the prosecution of said appeal to effect and the payment of costs herein in the sum of Two Hundred and fifty Dollars

C J B Harris
Attorney for Appellant
Obed Foote

Dated Yankton
May 21st 1879.

Honorable Geo W Moody having been of Counsel of the above entitled action he took no part in the consideration or determination of the above motion

And now May 21st 1879. the above motion with the accompanying affidavits of J Parker Hayward and Georg N Roberts showing that the value of the property in controversy is in excess of One thousand Dollars, are presented in open Court, and the appeal to the Supreme of the United States is hereby allowed.— By the Court

Peter C. S. Shannon
Chief Justice—

U. S. Supreme Court, Dacy Term A.D. 1879. 7th Day of Term.
Thursday May 22nd 1879.

Court met pursuant to adjournment
Present
Hon Peter C. Shannon Chief Justice
" A H Barnes Associate "
" J L Brookes " "
" J P Kidder " "
" Hugh J Campbell U S Attorney
John B Raymond U S Marshal
Lt Elliott L Morris 1st Lt of Indian Scouts Bailiff
B. J Williams Clerk

Court being duly opened the following proceedings were had to wit:

The United States of America
Territory of Dakota } In the Supreme
Court in and for the Territory of Dakota at a
Regular Term thereof begun and held on the 13th
day of May A.D. 1879. Present the Honorables Peter
C Shannon A H Barnes & L Brookes and J.P.
Kidder Associate Justices. The following orders
were made & entered:—

Whereas Hugh J Campbell United
States Attorney has rendered to this Court an account
for fees and attendance at said Term of said Court
and has proved on oath the satisfaction of the
Court that the services therein charged for were ren-
dered by him as therein stated.—
And whereas said account appears to be just & according to law.
It is hereby ordered that the said account accurately
stated in dollars &c. and the same is hereby approved.
Done in Open Court this 22nd day of May 1879. By the Court
Peter C Shannon
Chief Justice

The United States of America
District of Dakota Territory } In the Supreme Court for
said District at a Term thereof begun and held at
Yankton on the 13th day of May A.D. 1879.
Present the Honorable Peter C Shannon Chief Justice

U. S. Supreme Court, May Term A.D. 1879. 7th Day of Term.

Continued

Presiding, and H.C. Barnes & L. Brady and J.P. Fidelen Associate Justices, the following order was made and entered of record, to wit:

Whereas Jno B. Raymond United States Marshal has rendered to this Court an account of his fees and disbursement at and previous to the May term 1879 at Deadwood, of the Supreme Court for said District with the items and vouchers thereof, and in the presence of Hugh J. Campbell, United States attorney, has proved on oath to the satisfaction of this Court, that the services and travel therein charged have been actually and necessarily performed as therein stated and that the disbursements charged have been fully paid in lawful money, and whereas said charges appear to be just and according to law.

It is hereby ordered that the said account amounting to One hundred & Ninety dollars and Sixty six cents be, and the same is hereby approved. — By the Court

Peter C. Shannon
Chief Justice

"In the Supreme Court of Dakota Territory the regular term thereof began and held at Deadwood on the 13th day of May A.D. 1879. Honorable Peter C. Shannon and H.C. Barnes & L. Brady & J.P. Fidelen Associate Justices, the following order was made and entered of record, to wit:

Whereas B.S. Williams clerk of the Supreme Court has rendered to this Court an account of his fees at the May Term A.D. 1879. with the items thereof, and in the presence of Hugh J. Campbell Esq. United States attorney has proved on oath the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated

And whereas said charges appear to be just and according to law.

It is hereby ordered that the said account amounting to Thirty five dollars be and the same is hereby approved

By the Court
Peter C. Shannon
Chief Justice

Continued

Elizabeth A Brandebo
vs
Abel Foote. } Appeal Bond

Now comes C. J. B Harris Esqr and presents in open Court, his Bond for appeal, with Sureties Ira Stone and Horace L. Jewett as Sureties on the same. And the same is approved by Peter C. Shannon Chief Justice.

In the Supreme Court
Territory of Dakota } In the matter of the application of Jerred Boughton to practice in the Supreme Court.

And now on the 22nd day of May A.D. 1879. comes Bartlett Tripp Esqr as attorney of said Court and moves this Honorable Court that Jerred Boughton be admitted to practice as an attorney and Counselor at Law in the Supreme Court of the Territory of Dakota and that his Bonds submitted that the said Jerred Boughton is admitted to practice as an attorney and Counselor at Law in the Second Judicial District Court of the Counties of Dakota. Bartlett Tripp

And the same day on consideration thereof said Motion is granted, and the applicant having taken in open Court the Oath prescribed by Law. he is duly admitted to practice as an attorney and Counselor at Law in the Supreme Court of the Territory of Dakota.
Done in open Court this 22nd day of May 1879. By the Court
Peter C Shannon
Chief Justice

In Supreme Court
Territory of Dakota } ss

By virtue of the powers conferred upon the Supreme Court as in the act of the Legislative Assembly of the Territory of Dakota approved February 21st 1879. provided it is Ordered

that Public Notice be given by the Secretary of Law of the Territory of Dakota. by causing this Order to be published, as by statute in such cases provided, for the term of three months in the Dakota Herald a newspaper published at Yankton in said Territory, and that the hearing

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U. S. Supreme Court. Peter C. Shannon C.J. D. 1879. 1st Day of Term.

Continued

of the Supreme Court of Dakota Territory. Which said office for the term of four years next ensuing his said election by this Court. The said Reporter to give bond, and qualify as by law required. —

By the Court

(Attest)- Peter C. Shannon

Chief Justice

At a Term of the Supreme Court of the Territory of Dakota held at the Court House in the City of Yankton on Thursday the 22nd day of May A.D. 1879.

Present Chief Justice P. C. Shannon and Associate Justice A. H. Barnes. & C. Moody & J. P. Fickler and the officers of said Court.

It is Ordered. That rules 27 & 28. of this Court heretofore adopted on the second day of January A.D. 1879. be and they are hereby annulled & vacated as follows

Rule 27.

The opinions of the Court on all questions reserved on Writ of Error or Appeal, as well as on such Motions, collateral questions and points of practice, as the Justices may deem of sufficient importance shall be reduced to writing and after having been delivered in open Court, or announced as hereinafter provided shall be filed with the Clerk.

Written opinions not accompanying the announcement of judgment may be announced by one or more of the Justices present within thirty days after Judgment.

Rule 28.

Dissenting opinions may be filed within thirty days after the announcement of the opinion of the Court but not thereafter. And the records must in all cases show whether a decision was made by a full bench, and whether and if so which of the Justices dissented.

And it is further ordered that the Clerk spread this order upon the Journal of the Court.

Done in Open Court this 22nd day of May A.D. 1879.

By the Court

Attest Peter C. Shannon

Chief Justice

In the matter of the opening Gold Street Deadwood D.T.
vs
George H. Newton.
Defendant & appellant
} Appeal from the District Court of Lawrence County

Now comes J.B. Gamble Esq with argument for the Dft and appellant in the above action and B. Shipp Esq for Contra.

In Supreme Court
Territory of Dakota } May Term, 1879.

In the matter of the opening of Gold Street Deadwood D.T.
vs
George H. Newton
Defendant & appellant

This cause having been brought on for hearing at this Term, & after hearing Messrs Gamble Bros for appellant, & Messrs Shipp & Boyles & A.W. Hoskie for Respondent, & after full consideration, & receiving no Error in the record & proceedings in the District Court of Lawrence County it is now here Ordered that the said judgement is in all respects Affirmed, This cause is remanded to said District Court with directions to proceed therein for the enforcement of said judgement according to law, and that the respondents recover their costs

By the Court
(Attest) Peter C. Shannon,
Chief Justice

William Franklin et al
Respondents
vs
Frank D. McGovern
Appellants
} Motion to dismiss the appeal

Now comes J.P. Gamble Esq with argument for the motion & Messrs Boyles & Hoskie on opposing Counsel.

U. S. Supreme Court Term Term A.D. 1879. 7th Day of Term.

Thursday May 22nd 1879.

On the Stenographers Record } Appeal from the District
Territory of Dakota. } Court of Lawrence County.

William Franklin et al
Respondents
vs
Thomas D. McGovern et al.
Appellants

Now on this 22nd day of A.D. 1879. the Counsel of the Respondent in the above entitled cause, Desiring the appeal herein for want of prosecution, coming on to be heard, and it appearing to the Satisfaction of the Court, that notice of said motion has been duly served upon Hoyt Sherman & Boyles of Counsel for said appellants more than six days prior to this date and Hoyt Sherman Bros and Allen Manning Esq. in support of said motion, No one appearing Contra, and it further appearing by the proofs adduced that said appellants have failed to prosecute their appeal with diligence and as required by the rules of this Court in this that they have failed to cause abstracts of the record, to be made, printed served or filed with the Clerk, and have failed to cause briefs for argument to be prepared, printed served or filed with the Clerk and have further failed to appear upon the Call of said appeal for argument.

Now therefore it is by the Court Ordered that the said appeal be and the same is hereby dismissed without prejudice however to the next appeal if said appellants shall be so advised and it is further ordered and adjudged that the said Respondents do have and recover of the said appellants their costs and disbursements herein to be taxed by the Clerk of this Court

By the Court
Peter C. Shannon
Chief Justice

U. S. Supreme Court, May Term A.D. 1879. 2nd Day of Term.

Thursday May 22nd 1879 Continued

In Supreme Court
Territory of Dakota } May Term, 1879.

The Territory of Dakota
Defendant in Error
vs
William Gay
Defendant, and Plaintiff in Error.

This cause having been brought on for hearing at this Term, and after hearing Messrs. Gamble Brothers, and Hugh J Campbell Attorneys for appellants and C W Kasson, District Attorney for the First District for Respondents, and after full Consideration, perceiving no Error therein, it is now hereby ordered, — that the judgment of the District Court of Lawrence county therein given in this action be, & the same is hereby affirmed; and it is further ordered that this cause be remanded to said District Court of Lawrence County, and that said District Court proceed thereon to carry into effect the judgment heretofore given in said District Court as by law required

By the Court
Attest) Peter C. Shannon
Chief Justice

All the Judges Concurring.

In Supreme Court
Territory of Dakota } ss. Writ of Error from Lawrence County District Court

The Territory of Dakota
Defendant in Error
vs
Martin L. Coats
Plaintiff in Error } May Term A.D. 1879.

The writ of error herein coming on to be heard was argued by Messrs Campbell, Gamble & Allen for the Plaintiff in Error and by A W Kasson Esq District Attorney for the First Judicial District for the Defendant in Error, and the

U. S. Supreme Court. May Term A.D. 1879. 2nd Day of Term.

Tuesday May 2nd 1879. Continued

Court having advised thereof. Court proceeding now proceeds to the Record. It is therefore this day the Twenty Second day of May A.D. 1879. All the said proceedings and the Record being by the Court fully therein considered, ordered and adjudged that the judgment of death of the said District Court of Lawrence County in said cause be and the same is hereby affirmed in all respects, and the said District Court is Ordered & directed to fix a day for the Execution of said judgment and this Cause & Mandate certified to the said Circuit with the record to certified to that Court with the order that the said judgment therein rendered be executed according to law.

Attest
B S Williams
Clerk

By the Court
Attest Peter C Shannon
Chief Justice

Chief Justice Shannon dissenting.

The Territory of Dakota
vs
William Gay } Motion for a new trial

Now comes Hugh J. Campbell Esq. with argument for said motion. No one appearing contra.

Whereupon motion is denied by the Court.

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In U. S. District Court A.D. 1879. 8th Day of Term.

Friday May 23rd 1879

Court met at the Court Room in the City of Deadwood, pursuant to adjournment

Present

Hon Peter C Shannon Chief Justice
" G. A. Moody Associate
Hugh J. Campbell U.S. Atty
Robert B. Raymond U.S. Marshal
F. H. Elliott & Morris L. Ingalls Bailiffs
B. S. Williams Clerk

There being only two of the Justices present it is ordered that this Court stands adjourned until Monday next the 26th day of May A.D. 1879.

Attest
B. S. Williams
Clerk

By the Court
Peter C. Shannon
Chief Justice

U. S. Supreme Court, Inay Term A.D. 1879. 9th Day of Term.

Monday May 26" 1879.

Court met pursuant to adjournment.

Present

Hon Peter C Shannon Chief Justice
" L. E. Moody Associate "
" J. P. Kidder "
" Hugh J. Campbell U.S. Attorney "
John B. Raymond Ass't Marshal
D. L. Elliott & Thomas H. Martin Bailiffs
B. L. Williams Clerk.

Court being duly opened the following proceedings were had

The Territory of Dakota
vs
Martin L. Cook
Plaintiff in Error
} Motion for a re argument

And now this 26" day of May A.D. 1879 the Court being present Chief Justice Shannon & Associate Justices Kidder & Moody, the foregoing motions coming on to be heard, was argued by Hon Hugh J. Campbell for the plaintiff in Error per se & affidavit for the defendant in Error, & upon consideration thereof.

It is ordered that a rehearing in the above entitled cause be and the same is hereby allowed & ordered to be heard at the next October 1879. Term of this Court, & which time this cause is Continued and it is further ordered that the judgment of this Court erst be not executed pending the further order of this Court

By the Court
Attest Peter C. Shannon
Chief Justice

All the Justices present Concurring.

And now this Court is adjourned until Tuesday the 1st day of July A.D. 1879.

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III. U. Supreme Court, Nov Term A.D. 1879. Day of Term.

Tuesday Jan 6th 1880

Court met at the usual Room in the City of Deadwood pursuant to adjournment.

Present

Hon Peter C. Shannon Chief Justice
F.B. Raymond U.S. Marshal by C.P. Redmonds Deputy
L.L. Elliott Bailiff
B.S. Williams Clerk.

The Court being duly opened the following proceedings were had to wit:

The People of Dakota
Deft in Error
vs
William Gay
Plaintiff in Error
} Writ of Error
Lawrence County

And now Hon Peter C. Shannon Chief Justice, presented and read in open Court, the Opinion of the Court in the above entitled action, by Hon A.H. Barnes Associate Justice of this Court.

And now this Court is adjourned ~~until~~ without date.

U. S. Supreme Court,

A. D. 18 . Day of Term.

U. S. Supreme Court. October Term A.D. 1879. 1st Day of Term.

Tuesday October 7th 1879.

Be it remembered that on the 7th day of October A.D. 1879. it being the 1st Tuesday of October A.D. 1874.

The Honorable Supreme Court of Dakota Territory met at the Court Room in the City of Yankton D.T. pursuant to Law.

Present the Honorable Peter C Shannon Chief Justice
Hugh J Campbell Esqr U.S. Attorney
John B Raymond by C.P. Edmunds
L.H. Elliott Bailiff
B.S. Williams Clerk.

And now October 7th A.D. 1879. it being the 1st Tuesday of October, and the beginning of the term authorized by law - and the Chief Justice appearing on the bench of the Supreme Court in the Court House at the City of Yankton D.T. - and none of the Associate Justices being present, it is ordered that this Court October Term 1879. of this Court be adjourned to Tuesday the 21st day of October A.D. 1879. at 10 o'clock A.M. of that day -

And it is further ordered that the Clerk notify the absent Justices of said adjournment.

Attest
B.S. Williams
Clerk

Peter C Shannon
Chief Justice

U. S. Supreme Court, October Term A.D. 1879. 2nd Day of Term.

Tuesday October 21st 1879.

Court met at the Court Room in the City of Yankton pursuant to adjournment.

Present.

Honorable Peter C Shannon. Chief Justice
" A H Barnes Associate "
" G C Moody " "
" J P Kidder " "
Jno B. Raymond U S Marshal
C P Edmunds & L H Elliott Bailiffs
B L Williams Clerk.

The Court being duly opened the following proceedings were had viz.

United States of America.

Supreme Court
of Dakota Territory } ss.

Be it remembered, that on the 21st day of October in the year of Our Lord one thousand eight hundred and seventy nine personally appeared before the Honorable Supreme Court of Dakota Territory, the Territory aforesaid, Erik N Wallin an alien born above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress, heretofore passed on that subject. And the said Erik N Wallin having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Erik N Wallin as from the testimony of Bartlett Arnold and Charles August Peterson who are known to be citizens of the United States; that the said Erik N Wallin has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and more having elapsed since the said Erik N Wallin reported himself, and filed his declaration of intention as aforesaid. It is Ordered, that the said Erik N Wallin be permitted to take the oath prescribed by the Constitution of the United States, and the actual oath of allegiance

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U. S. Supreme Court, October Term A.D. 1879. Day of Term.
2 day of Term Continued

and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the King of Sweden & Norway whereof he was heretofore a Subject, which said oath having been administered to the said Enid H Wallin by the Clerk of said Court, it was ordered by the Court that the said Enid H Wallin be admitted & all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court which is accordingly done.

Peter C. Shannon Chief Justice

Edwin Parkinson
vs Respondent
Jackson B Young and
Henry L. Hollister
Appellants

No (67)
Appeal from Minnehaha
County.

The above cause coming on to be heard is argued by C H. Windsor Esqr one of the attorneys for the Respondents.

And no one appearing for the Appellants:

Territory of Dakota
Defendant in Error.
vs.
Martin L Coutts
Plaintiff in Error

No (64)
Writ of Error to the District
Court of Lawrence County.

Rehearing

Now comes Albert Allen Esqr, one of the attorneys for Plaintiff in Error, and proceeds with his argument.

And now at 6 o-clock P.M. until Wednesday Oct. 22nd 1879. at 9 o'clock A.M. of said day

Attest B. S. Williams
Clerk

Wednesday October 22nd 1879.

Court met pursuant to adjournment.

Present

Honorable Peter C. Sherman Chief Justice
" H. Barnes Associate "
" G. C. Moody " "
" J. P. Kidder " "
Jno B. Raymond U. S. Marshal
C. P. Edmunds & L. H. Elliott Bailiffs
B. S. Williams Clerk

In the Supreme Court of
the Territory of Dakota

In the matter of the admission
of James H. Willard to practice.

Now comes Albert Allen Esqr an attorney of this Court and moves the Court that James H. Willard Esqr a practicing attorney of the Bar of Wisconsin having business before this Court be admitted to practice in this Court.

Dated this 22nd day of October A.D. 1879.

Albert Allen

And now the same day the above motion coming on to be heard on consideration thereof, said motion is granted, and the said applicant James H. Willard, being a practicing attorney of the Courts of Wisconsin and having business before this Court and having taken in open Court the oath prescribed by law, he is duly admitted to practice as an attorney and counselor at law of this Court.

Done in open Court this 22nd day of October A.D. 1879.

By the Court
Peter C. Sherman Chief Justice

The Territory of Dakota
Deft in Error
vs
Martin L. Court Plff in Error } No (67)

And now comes Albert Allen
containing his argument for Plff in Error
And now comes James H. Willard
Esqr with his argument in behalf of the plaintiff in Error
So also L. H. Morgan Esqr for Plaintiff in Error.
Same day comes A. H. Allen Esqr with his oral
closing argument in behalf of Defendant in Error

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U. S. Supreme Court. October Term A. D. 1879. 3rd Day of Jan.

Continued

United States of America.

Supreme Court
of Dakota Territory } ss

Be it remembered. That on this 22nd day of October in the year of Our Lord one Thousand Eight Hundred & Seventy nine personally appeared before the Honorable Supreme Court of Dakota Territory, the Territory aforesaid, Hans S Nelson an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress, heretofore passed on that subject. And the said Hans S. Nelson having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declarations of his intention to become a citizen of the United States, according to the provision of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Hans S Nelson as from the testimony of Hans Nelson and Peter Oreton who is known to be citizens of the United States: That the said Hans S Nelson has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and that two years and upwards having elapsed since the said Hans S. Nelson reported himself, and filed his declarations of intentions as aforesaid.

It was Ordered, That the said Hans S Nelson be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the King of Denmark whereof he was heretofore a subject, which said oath having been administered to the said Hans S Nelson by the Clerk of said Court, It was Ordered by the Court that the said Hans S Nelson be admitted to all and singular the rights privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly

Peter C. Shannon
Clerk Supreme

Continued

United States of America
Supreme Court
of Dakota Territory } ss.

Be it Remembered, That on the 22nd day of October in the Year of Our Lord one Thousand eight hundred and Seventy nine personally appeared before the Honorable Supreme Court of Dakota Territory, the Territory aforesaid Thomas B Jones an alien born, above the age of twenty one years, and applied in Open Court to be admitted to become a naturalized Citizen of the United States of America pursuant to the several acts of Congress, therefor provided on that subject. And the said Thomas B. Jones having thereupon produced to the Court record testimony showing that he had heretofore deposited himself and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Thomas B. Jones as from the testimony of Ephraim Brown and Alpheus G Fuller whose are known to be citizens of the United States that the said Thomas B. Jones has resided within the limits of the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Thomas B. Jones deposited himself, and filed his declaration of intention as aforesaid.

It Was Ordered, That the said Thomas B Jones be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounces all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the Queen of Great Britain and Ireland whereof he was heretofore a Subject, Which said oath having been administered to the said Thomas B Jones by the Clerk of said Court, it was Ordered by the Court that the said Thomas B Jones be admitted to all and singular the rights privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court. Which is done accordingly

Peter C. Shannon
Chief Justice

U. S. Supreme Court. October Term A.D. 1879. 3rd Day of Term.

Continued

United States of America.

Supreme Court
of Dakota Territory } ss.

Be it Remembered That on the 22nd day of October in the Year of Our Lord one Thousand eight hundred and Seventy nine personally appeared before the Honorable the Supreme Court of Dakota Territory, (the Territory aforesaid) Balthasar Steng an alien born, above the age of twenty one years, and applied his open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress, heretofore passed on that subject. And the said Balthasar Steng having thereupon produced to the Court record testimony showing that he had theretofore repeated himself and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Balthasar Steng as from the testimony of Jacob Ing and Adolph Schandien, who are known to be Citizens of the United States, that the said Balthasar Steng has resided within the limits and under the jurisdiction of the United States for at least five Years last past, and at least one Year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United State, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Balthasar Steng repeated himself and filed his declaration of intention as aforesaid

It was Ordered. That the said Balthasar Steng be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty Whatever; and more particularly to Alexander Emperor of Russia Whereof he was heretofore a subject, which said oath having been administered to the said Balthasar Steng by the Clerk of said Court, it was ordered by the Court that the said Balthasar Steng be admitted to all and singular the rights franchises and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court under the seal of said Court

Witness my hand and official seal this 22nd day of October A.D. 1879

Peter C. Shannon
Clerk of Courts

Isaac W Church et al
Respondents
vs
Nimrod Lancaster et al
Appellants
} No (48)
Motion to continue case until the May term 1880

The above motion coming on to be heard. and is argued by J.C. Gamble Esq for Respondents attorney for, and Thos Morgan & Bennett against.

The Territory of Dakota
Defendant in Error
vs
James M Stone
Plaintiff in Error
} No 70
Writ of Error to the District Court of Cantilton County.

The above cause coming on to be heard is argued by & J.B. Harris Esqs for Plaintiff in Error. Court declining to hear Counsel for defendant in Error.

Territory of Dakota
vs
John Scott
} No 66
Writ of Error to the District Court of Minnehaha County.

The above cause being called and no one appearing. it is therefore Continued until the May Term 1880.

And now at 5 o-clock P.M. Court is adjourned until Thursday October 23rd 1879. at 9 o-clock. in the forenoon of said day.

Attest
B S Williams
Clerk

U. S. Supreme Court. October Term A.D. 1879. 44th Day of Jan.

Thursday October 23rd 1879.

Court met at the Court Room in the City of Jamestown D.T.
pursuant to adjournment.

Present

Honorable Peter C. Shannon Chief Justice
" J. H. Barnes Associate "
" G. G. Moody " "
" J. P. Rudeler " "
" John B Raymond U.S. Marshal
Hugh J Campbell U.S. Attorney
L. P. Edmunds & S. H. Elliott Bailiffs.
B. S. Wilkinson Clerk.

Marcena A. Talcunger
vs
The Mutual Life Insurance Company of New York
} No (5-4)
Motion for a Rehearing

The above cause coming on to be heard on the above motion. It is argued by Mr Oliver Shannon for, and by J. W. Gamble Esqr. against.

In Supreme Court
Territory of Dakota } ss. In the matter of the application of Granville G Bennett for admission to practice in the Supreme Court.

And now on this 23rd day of October A.D. 1879, comes Bartlett Sharp an attorney and Counselor of this Court, and moves this Honorable Court that Granville G Bennett of Jamestown County Dakota Territory an inhabitant of the State of the Second Judicial District Court of this Territory, be admitted to practice as an attorney and counselor at law in this Court.

Bartlett Sharp

And now the Court doth the above motion coming on to be heard on consideration thereof said motion is granted and the said applicant Granville G Bennett having been heretofore admitted to the bar of the Second Judicial District and having taken in open Court the oath prescribed by law, he is duly admitted to practice as an attorney and Counselor at law of this Court

Done in open Court this 23rd day of October A.D. 1879.

By the Court
Peter C. Shannon
Chief Justice

In Supreme Court
Territory of Dakota } ss

In the matter of the application of
William P. Dewey for admission to practice
law in the Supreme Court.

And now
on this 23rd day of October A.D. 1879. comes Bartlett Tripp
Esqr. an attorney and counselor of this Court, and moves the
Honorable Court, that William P. Dewey of Yankton County,
Territory of Dakota, who has heretofore been licensed to practice
as an attorney and Counselor at law, both in the Supreme
Court of the State of Wisconsin and in the Supreme Court
of the United States, be admitted to practice as an attorney
and Counselor at law in the Supreme Court of the Territory
of Dakota.

Bartlett Tripp.

And now on the same day, the above motion coming on
to be heard, and the said applicant having exhibited and presented to this
Court Certificates of admission to practice in the Supreme Court of the
State of Wisconsin and of the Supreme Court of the United States; on
Consideration Thereof said motion is granted, and the said applicant
William P. Dewey having been heretofore admitted to practice
as an attorney and Counselor at law in the Supreme Court of the
State of Wisconsin and in the Supreme Court of the United States,
and having taken in open Court the oaths prescribed by law is hereby
duly admitted to practice as an attorney and Counselor at law
of this Court

Done in open Court, this 23rd
day of October A.D. 1879

By the Court
Peter C. Shannon
Chief Justice

In the Supreme Court of Dakota Territory, present Chief Justice Shannon
Special Justice Barnes Wood & Rideb. And now Oct 23rd A.D. 1879 comes
Oliver Shannon and moves for the admission of William H. Timmon Esqr
to practice as an attorney and Counselor at law of this Court he the said William H.
Timmon having been first licensed to practice as an attorney and Counselor at
law in the 2nd Judicial District of this Territory.

Oliver Shannon atty at law

And now the same day the above motion coming on to be heard on
consideration thereof the Court being satisfied that said applicant is a member
of the bar of the 2nd Judicial District of the Territory of Dakota and he having
the oath prescribed by law he is duly admitted to practice as an attorney
and Counselor at law of this Court.

Done in open Court this 23rd
day of October A.D. 1879.

By the Court
Peter C. Shannon
Chief Justice

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In Supreme Court Dakota Terr. 1879. 4th Day of Term.

Granville

The Supreme Court } In the matter of the application of
Territory of Dakota } Geo. A Tollenaber Esqr for admission to practice in the Supreme Court.

And now on this 23rd day of October AD 1879. Came Granville G Bennett an attorney and Counselor of this Court, and moves this Court that Geo. A Tollenaber Esqr. of Cook County State of Illinois, a member of the bar of the Supreme Court of said State of Illinois, and having professional business in this Court, be admitted to practice as an attorney and Counselor at law in this Court

Granville G Bennett

And now the same day the above motion coming on to be heard on consideration thereof, the Court being satisfied that said applicant is a member of the bar of the Supreme Court of the State of Illinois and that he has professional business in this Court, and he having taken the oath prescribed by law, he is duly admitted to practice as an attorney and counselor at law of this Court

By the Court

Done in Open Court this 23rd day of October A.D. 1879. } Peter C. Shannon
J.J. Chief Justice

United States of America

Supreme Court }
Dakota Territory } ss.

Be it Remembered, That on the 23rd day of October in the Year of Our Lord one thousand eight hundred and seventy-nine, personally appeared before the Honorable Supreme Court of Dakota Territory, the Territory aforesaid, John Callahan an alien born, above the age of twenty one years, and applied in open Court to be admitted a citizen of the United States of America, and the said John Callahan having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said John Callahan as from the testimony of James Brown and Samuel Vance, who are known to be citizens of the United States, that the said John Callahan has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the

Continued

whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and that he speaks the English language, has resided in the United States for more than five years, and within the State of Minnesota one year next preceding his declaration of intention as aforesaid. It was Ordered, That the said John Callahan be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatsoever, and more particularly to Victoria Queen of Great Britain and Ireland whereof he was heretofore a subject, which said oath having been administered to the said John Callahan by the Clerk of said Court, it was ordered by this Court that the said John Callahan be admitted to all and singular the rights, privileges and immunities of a Naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court under the Seal of said Court, which is done accordingly.

Peter C. Shannon
Chief Justice

L. E. Everett
Respondent
vs
R Buchanan
Appellant
} No 58
Appeal from the District Court of Winnebago County

Mr Justice Woody having heretofore been counsel for the Respondent in the above cause, does not sit on the hearing and argument in this Court.

Now comes In Grigsby Esqr with argument for the Appellant

And now E G Smith Esqr with argument for the Appellant.

Emily Hall
Respondent
vs
D S Brenard et al
Appellants
} No 67

Associate Justice Woody having heretofore been one of the Counsel in the above cause does not sit on the hearing in this Court

The above cause coming on for hearing was argued by B. Sinsop Esqr for Appellants and by Messrs Shannon and Gamble for Respondent,

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U. S. Supreme Court, October Term A.D. 1879. 4th Day of Term.
Continued

Territory of Dakota. } No (53)
In Supreme Court } ss. October Term 1879.

P. E. Everett
Respondent
vs
R Buchanan
Appellant

Now on this 23rd day of October A.D 1879. This cause having been argued and submitted, the same is taken under advisement by the Court, Judgment to be entered at the next May 1880 Term of this Court, to which time this cause is Continued.

By the Court
Attest Peter C. Shannon
Chief Justice

Territory of Dakota ss. No 60
In Supreme Court October Term 1879.

Emily Hall
Respondent
vs
James S Bennett et al
Appellants

Now on this 23rd day of October 1879. This cause having been argued and submitted, the same is taken under advisement by the Court, Judgment to be entered at the next May 1880 Term of this Court, to which time this cause is Continued. By the Court
Attest Peter C. Shannon
Chief Justice

Territory of Dakota ss. No 69.
In Supreme Court.

J W Harvey
Respondent
vs
Austin A Bellgrau
Appellant
} Motion to dismiss the appeal.

And now this 25th day of October AD 1879. the foregoing motion having come on to be heard and being argued on the part of Jno Bartlett Esq. Attorney for Respondent and Messrs. G. G Bennett and Alexander Craig

Continued

appearing on the part of the appellant and not resisting the same! It is ordered that said motion be granted—and that said appeal be and the same is hereby dismissed—and that this order of dismissal have the force and effect of an affirmance of the judgment appealed from and that the Respondent S. W. Harvey, have and recover of the appellant his costs and disbursements taxed and allowed at Nine Dollars and Ninety cents, and it is further ordered that the Clerk of this Court remit a copy of this order to the Court below.

By the Court.
Attest Peter C Shannon
Chief Justice

Territory of Dakota. (No 70)
In Supreme Court
October Term 1879.

The Territory of Dakota
Defendant in Error
vs
James M Stone
Plaintiff in Error

This cause having been brought on for hearing at this October Term, 1879, after hearing L. B. Reams Esqr for the Plaintiff in Error, and L. B. Tenney Esqr District Attorney for the 2nd Judicial District for the defendant in Error, and having examined the record herein and duly considered the same, finding no Error therein it is now hereby Ordered, that the judgment of the District Court of Yankton County heretofore given in this action be and the same is in all things affirmed, and it is further ordered that this cause be remanded to said District Court of Yankton County, and that said District Court proceed thereon to carry into effect the judgment heretofore given in said Court as by law required

By the Court
Attest Peter C Shannon
Chief Justice

All the Judges Concurring.

No 67

Territory of Dakota. — In Supreme Court Oct Term. A D 1879.

Edward Parkinson
vs Respondent
Jacob Bean & Henry H. L. Hollister
Co-partners under the firm name of
J. B. Henry & Company. Appellants

This action having been

In Supreme Court. October Term A.D. 1879. 4th Day of Jan.
Continued.

brought on for hearing at this Term and after hearing C H Hinson Esqr for Respondent and the cause having been submitted upon written briefs and arguments by Messrs Bissell & Bayce & Wallbrun & Willis counsel for Appellant and after full consideration perceiving no Error in the record & proceedings in the District Court of Minnehaha County. It is therefore Ordered that the said judgment of the said District Court in said action be and the same is in all respects affirmed.

This action is remanded to said District Court with directions to proceed therein for the enforcement of said judgment according to law — and it is adjudged that Respondents recover his costs in this Court to be taxed by the Clerk. —

By the Court
Attest Peter C Shannon
Chief Justice

Chief Justice Shannon dissenting. Chief Justice

United States of America } No (64)
Territory of Dakota } ss In Supreme Court. D.T.
October Term A.D. 1879.

The Territory of Dakota
Defendant in Error
vs
Martin L Cowles
Plaintiff in Error
} Writ of Error to District Court of Lawrence County.

The above entitled cause coming on to be heard upon the Screening granted herein at the May Term 1879. at the request of Defts Counsel — after hearing further Messrs Morgan Allen & Wallbrun for the Plaintiff in Error, and A W Willis Esq Dist Att'y of the First Judicial District for Defendant in Error and after full consideration thereof, being satisfied with the former decision and judgment of this Court, and perceiving no Error in the record herein — It is Ordered that the said judgment of this Court entered at the May Term 1879. affirming the judgment of the District Court of Lawrence County in this action stand and remain as the judgment of this Court. And it is further ordered that this Cause with the record and judgment of this Court be and it is remitted to the District Court of said Lawrence County with the order that the said judgment therein rendered be executed according to law. —

By the Court
Attest Peter C Shannon
Chief Justice

Chief Justice Shannon dissenting. —

In the Supreme Court of the Territory of Dakota.

Isaac W. Speechet et al.
Respondents
vs
Nimrod Lancaster et al - Appellants
} Appeal

Now on this 23rd day of October A.D. 1879. This Cause coming on for hearing on motion of respondents for a Continuance, based on affidavits of Daniel M. Laughlin and J.M. Gamble attorneys for respondents, asking that the Cause be continued until the May Term A.D. 1880 for hearing, with leave to the Respondents to serve and file their briefs and abstracts twenty days before the first day of said Term, or such terms as may be just. Messrs Gamble Bros appearing for respondents since filing Stipulation relating thereto and Messrs Morgan & Bennett for appellants and the Court being fully advised in the premises, it is ordered that this Cause stands continued until the May Term A.D. 1880, of this Court and that all proceedings on the judgment herein in the District Court be and the same are hereby stayed during that time, and that the time for redemption from sale under executions wherein the plaintiffs or their attorneys have been purchasers, for the satisfaction of the judgment herein rendered in the Court below, of any real Estate shall not run as against respondents from this date until after the first day of the next May Term of this Court, but plaintiffs shall have that additional time in which to redeem such property.

And it is further ordered in accordance with said Stipulation that this Order staying proceedings in the Court below shall have the same force and effect as things superseded bond or undertaking had been now given by the said defendants under and in pursuance with Sections 415 and 418 of the Code of Civil Procedure and that it shall have the force and effect in accordance with said Stipulation of proceeding said Plaintiffs from enforcing the one from the disputed Mining ground in Controversy in this Cause either on the Surface or the dips of the Ledge therein.

It is further Ordered that this order shall be served upon the Respondents by leaving a Copy of the same with the defendants Counsel Messrs M. Laughlin & Sloan at their Office in Deadwood, Lawrence County, Dakota Territory.

It is further ordered that the appellants shall not less than thirty days before the next Term of this Court have leave to serve upon the Counsel for the Respondents and deliver to this Court additional briefs and abstracts therein and that respondents have leave to serve upon the Counsel for the appellants and deliver to this Court, their briefs and abstracts therein not less than twenty days before the next Term of this Court.

By the Court
Peter C. Shannon. Chief Justice

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U. S. Supreme Court Dakota Term A.D. 1879. 4th Day of Term.

Continued

And now on this 23rd day of October A.D. 1879 Comes Hugh J. Campbell Esq. United States Attorney, Territory of Dakota, and presents the account of Grant J. Washabaugh a Commissioner in and for the First Judicial District Court of Dakota Territory in Open Court. Upon examination and consideration thereof, the Court being Satisfied that the Services therein charged have been actually and necessarily performed as therein Stated and that the said account is just and true and according to Law, the same is in all things approved as therein Stated and for the amount of One hundred dollars and forty Cents ($100,40)

By the Court

Peter C Shannon Chief Justice
Supreme Court Dakota Territory,

And now on this 23rd day of October A.D. 1879 Comes Hugh J. Campbell Esq. United States Attorney, Territory of Dakota, and presents the account of Grant J. Washabaugh a Commissioner in and for the First Judicial District Court of Dakota Territory in Open Court Upon examination and consideration thereof, the Court being Satisfied that the Services therein charged have been actually and necessarily performed as therein Stated, and that the said account is just and true, and according to Law, the same is in all things approved as therein Stated, and for the amount of One hundred dollars and forty cents, ($100.40)

By the Court
Peter C Shannon Chief Justice
Supreme Court Dakota Territory.

In the Supreme Court of Dakota Territory at a regular term thereof, begun and held at Yankton on the 7th day of October A.D. 1879

Honorable Peter C. Shannon A.H. Barnes G.A. Brooks and J.P. Ridder Judges thereof, the following order was made and entered of record, to wit:

Whereas B.S. Williams Clerk of the Supreme Court rendered this Court an account of his fees at the adjourned May Term 1879 and of this present October Term A.D. 1879 with the Clerk thereof, and in the presence of Hugh J. Campbell Esq. United States Attorney, and upon oath of the Examination of the Completed Services therein Charged have been actually and necessarily

performed as therein stated.

And Whereas said charges appear to be just and according to Law, it is hereby ordered that the said account amounting to Thirty Five Dollars be and the same is hereby approved—

By the Court
Peter C. Shannon
Chief Justice

District of Dakota Territory ss.

In the United States District Court for said District, at a Term thereof begun and held at Yankton on the Seventh day of October 1879. Present: the Honorable Chief Justice Shannon and Associate Justices Bennett, Moody & Kidder Judges. the following Order was made and entered of record, to wit:

Whereas Jno B Raymond, United States Marshal has rendered to this Court an account of his fees and disbursements as and for services in the Adj'd June Term 1879, at Fargo of the United States District Court with the Vouchers and items thereof, and in the presence of Hon H. Campbell, United States Attorney, has proved on oath, to the satisfaction of the Court, that the services and travel therein charged, have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money: and Whereas said charges appear to be just and according to Law— It is hereby Ordered that the said account, amounting to Ten Hundred and Sixty ~~Four~~ dollars and fifty One cents, be and the same is hereby approved.

By the Court
Peter C. Shannon
Chief Justice

District of Dakota Territory. ss

In the United States Supreme Court for said District at a Term thereof begun and held at Yankton, on the Seventh day of October 1879. Present: the Honorable Chief Justice Shannon and Associate Justices Bennett, Moody & Kidder. the following order was made and entered of record, to wit: Whereas Jno B Raymond, United States Marshal has rendered to this Court an account of his disbursements for fees of Jurors at the Adj'd June Term 1879, at Fargo of the United States District Court, with the Vouchers and items thereof, and in the presence of Hon Hugh J. Campbell United States Attorney, has proved, on oath, to the Satisfaction of the Court, that the disbursements charged have been fully paid in lawful money, and Whereas said charges appear to be just and according to Law—

It is hereby ordered, that the said account amounting to Seven hundred and sixty eight dollars and forty cents be and the

U. S. Supreme Court. October Term A.D. 1879. 4th Day of Term.
Continued

Same is hereby approved— By the Court,
Peter C. Shannon
Chief Justice

District of Dakota. ss.
In the United States Supreme Court for said District, at a term thereof begun and held at Yankton, on the Seventh day of October 1879. Present: The Honorable Chief Justice Shannon and Associate Justices Bennett Moody & Ridder Judges. The following order was made and entered of record. To Wit: Hiram Jno B Raymond, United States Marshal, has rendered to this Court an account of his disbursement for Subsistence of Prisoners from the 30th day of June 1879. to the third day of July 1879. and the vouchers accompanying thereof, and in presence of Hon H J Bamfield, United States Attorney, has proved, on oath, to the satisfaction of the Court, that the disbursement charged have been fully paid in Lawful money; and Whereas said charges appear to be just and according to law,—
It is hereby Ordered that the said account, amounting to Three hundred and fifteen dollars and eighty five cents, be and the same is hereby approved—
By the Court
Peter C. Shannon
Chief Justice

District of Dakota Territory. ss.
In the United States Supreme Court for said District, at a term thereof begun and held at Yankton, on the Seventh day of October 1879. Present: The Honorable Chief Justice Shannon and Associate Justices Bennett Moody & Ridder Judges. The following order was made and entered of record. To Wit: Hiram Jno B Raymond, United States Marshal, has rendered to this Court an account of his disbursement for Subsistence of Prisoners from the 30th day of June 1879. to the third day of July 1879. and the vouchers accompanying thereof, and in presence of Hon H J Bamfield, United States Attorney, has proved, on oath, to the satisfaction of the Court, that the disbursement charged have been fully paid in Lawful money; and Whereas said charges appear to be just and according to law,—
It is hereby ordered that the said account, amounting to Sixty two dollars and Seventy Cents, be and the same is hereby approved
By the Court
Peter C. Shannon
Chief Justice

District of Dakota. ss.

In the United States Supreme Court for the said District, at a term thereof begun and held at Jamestown on the Seventh day of October A.D. 1879. Present: The Honorable Chief Justice Sherwood and Associate Justice Barnes Moody & Wilder the following orders were made and entered of record, to wit:

Whereas Jno B Raymond, United States Marshal, has rendered to this Court an account of his disbursements for fees of Witnesses at and previous to the 4th day of June Term 1879, at Fargo of the United States District Court, with the vouchers and items thereof, and in presence of Hon H. J. Campbell United States Attorney, has proved, on oath, to the satisfaction of the Court, that the disbursements charged have been fully paid in lawful money, and Whereas said Charges appear to be just and according to Law—

It is hereby ordered that the said account, amounting to Nine Hundred and Eighty dollars and— cents, be and the same is hereby approved——

By the Court
Peter C. Shannon
Chief Justice Presiding

District of Dakota, ss.

In the United States Supreme Court, for said District, at a Term thereof begun and held at Jamestown, on the Seventh day of October 1879. Present: the Honorable Chief Justice Sherwood and Associate Justice Barnes Moody & Wilder, the following order was made and entered of record, to wit:

Whereas Jno B. Raymond, United States Marshal, has rendered to this Court, an account of his disbursements for Interstate Witness Expenses incurred at and previous to the August Term 1879. at Rapid City of the United States District Court, with the Vouchers and items thereof, and in presence of Hon H J Campbell United States Attorney, has proved, on Oath, to the Satisfaction of the Court that the Services therein Charged have been actually and necessarily performed as therein Stated, and that the disbursements Charged have been fully paid in Lawful money, and whereas said charges appear to be just and according to Law—

It is hereby Ordered that the said account, amounting to Three hundred and eighty two dollars and forty Cents, be and the Same is hereby approved.——

By the Court
Peter C. Shannon
Chief Justice Presiding

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U. S. Supreme Court. October Term Continued A.D. 1879. 4th Day of Term.

District of Dakota. ss.

In the United States Supreme Court for said District, at a term thereof begun and held at Yankton on the Seventh day of October A.D. 1879. Present: the Honorable Chief Justice Sherman and Associate Justice Barnes Woody & Rieder the following order was made and entered of record, to wit;

Whereas Jno B Raymond, United States Marshal, has rendered to this Court an account of his disbursements for support of prisoners from the first day of July 1879. to the twenty first day of August 1879. with the vouchers and items thereof, and in the presence of H. H Campbell, United States Attorney, has proved, on oath, to the Satisfaction of the Court, that the disbursements charged have been fully paid in lawful money: and whereas said charges appear to be just and according to law— It is hereby ordered that the said account amounting to Eleven hundred and Ninety six dollars and twenty five cents, be and the same is hereby Approved— By the Court

Peter C. Sherman
Chief Justice Presiding.

District of Dakota Territory. ss.

In the United States District Court for said District of a term thereof begun and held at Yankton on the Seventh day of October 1879.

Present: the Honorable Chief Justice Sherman & Associate Justices Barnes Woody & Rieder, the following order was made and entered of record D W.F.

Whereas Jno B Raymond, United States Marshal, has rendered to this Court an account of his fees and disbursements as and services to the August term 1879. at Rapid City of the United States District Court, with the Vouchers and items thereof, and in presence of Hon H. H Campbell, United States Attorney, has proved, on oath, to the Satisfaction of the Court, that the services and fees therein Charged, have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said Charges appear to be just and according to law—

It is hereby ordered that the said account amounting to Seventy Eight hundred and two dollars and fifty four cents be and the same is hereby Approved.

By the Court
Peter C. Sherman
Chief Justice Presiding

Continued

District of Dakota, ss.

In the United States Supreme Court for the said District at a term thereof begun and held at Yankton on the 7th day of October A.D. 1879

Present: the Honorable Peter C. Shannon Chief Justice and A.H. Barnes G.C. Moody & J.P. Rieder associate Justices the following order was made and entered of record, to wit:

Whereas Jno B. Raymond, United States Marshal, has rendered to this Court an account of his disbursements for fees of Witnesses at and previous to the August Term 1879. at Rapid City of the said State District Court, with the vouchers and items thereof, and in presence of Hon H. J. Campbell United States Attorney, has proved, on oath, to the satisfaction of the Court, that the disbursements charged have been fully paid in lawful money; and witness said charges appear to be just and according to law—

It is hereby ordered that the said account, amounting to Four hundred and ninety six dollars and Ninety Cents, be and the same is hereby approved— By the Court

Peter C. Shannon

Chief Justice Presiding

District of Dakota Territory ss:

In the United States Supreme Court for said District, at a term thereof begun and held at Yankton on the Seventh day of October A.D. 1879.

Present, the Honorable P.C. Shannon Chief Justice and A.H. Barnes G.C. Moody & J.P. Rieder associate justices the following order was made and entered of record, to wit:

Whereas Jno B Raymond, United States Marshal, has rendered to this Court an account of his disbursements for fees of Witnesses at the August Term 1879 at Rapid City of the United States District Court, with the vouchers and items thereof, and in presence of Hon H. J. Campbell United States Attorney has proved, on oath to the satisfaction of the Court, that the disbursements charged have been fully paid in lawful money; and witness said charges appear to be just and according to law—

It is hereby Ordered, that the said account, amounting to Sixteen hundred and Sixty four dollars and Sixty Cents, be and the same is hereby approved—

By the Court

Peter C. Shannon

Chief Justice Presiding

And now Court is adjourned until Tuesday the 28th morning of October A.D. 1879 at 10 o'clock in the forenoon of said day.

Attest B S. Wilkinson Clerk

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U. S. Supreme Court. October Term A.D. 1879. 5th Day of Term.

Tuesday October 28th 1879

Court not present adjournment

Present

His Honor Peter C Shannon Chief Justice

Jno B. Reynolds U S Mar by A H Elliott Dep.

L J Sanders Bailiff

B S Williams by E Inmen Dep Clerk

And now here being duly opened.

His Honor Peter C Shannon C.J. proceeds to read and announce in open Court the opinions of the Court in the case of Gold Street vs Geo H. Newton

Associate Justices all being absent. Ordered by the Chief Justice that this Court be adjourned until the 23rd day of December AD 1879 at 12 o'clock M.

Attest B S Williams Clerk
by E Inmen Dep.

Peter C. Shannon
Chief Justice

U. S. Supreme Court, October Term A.D. 1879. 6th Day of Term.

Tuesday December 23rd 1879

Court met at the Court Room in the City of Yankton
for permanent & adjournment.

Present

Hon Horace Peter C Shannon Chief Justice
Jacob B Reynolds U.S. Atty & C. P. Edmunds Dep'y
L H. Elliott Bailiff
B S Wilkinson Clerk

And now Court being duly opened.
His Honor Peter C Shannon Chief Justice proceeds
to read and announce the Opinion of the Court by Ridder
J. in the Case of Edwin Parkinson Respondent vs Jacob
Sou B Young and Henry S Hollister Appellants
Same day said opinion was filed in open Court.

Chief Justice Peter C. Shannon dissenting to the last
Opinion and judgment of the Court.

And now His Honor Peter C.
Shannon C.J. proceeds to read and announces the Opinion
of the Court by Shannon C.J. in the Case of the Territory
of Dakota Vs Jas M. Sloan — which is ordered to be filed

Ordered by the Chief Justice, that this Court
be adjourned until the 22nd day of January — A.D.
1880. at 12 O-Clock at noon

Peter C Shannon
Chief Justice

Vol

U. S. Supreme Court, Dakota Term A.D. 1879. 7th Day of Term

Tuesday January 22nd 1880

Court met at the Court Room in the City of Yankton, pursuant to adjournment.

Present

His Hon Peter C Shannon Chief Justice

Jotan B Raymond by L P Redmonds Dep'y

L H Elliott Bailiff

B S Williams Clerk.

And now

His Honor Peter C Shannon Chief Justice proceeds to read and announce his dissenting Opinion in the Case of Edwin Parkinson Respondent Vs Jackson B Young and Henry L Hollister Appellants

Same day said Opinion was filed and made a part of the record of this Court.

Associate Justices being absent Ordered by the Chief Justice that this Court be adjourned until the 24th day of February A.D. 1880. at 10 o-clock in the forenoon of said day.

Attest B S Williams Clerk

Peter C. Shannon Chief Justice

U. S. Supreme Court, October Term A.D. 1877. 8th Day of Term.

Tuesday Feb 24th 1880.

Court met at the Court Room in the City of Frankfort pursuant to adjournment.

Present

His Hon Peter C. Sherman Chief Justice
H. J Campbell U S Attorney
Jno B Raymond by C P Johnson Dep't
L H Elliott Bailiff
B S Williams Clerk

And now.

A Quorum Justices all being absent and no business being presented to the Court or opinions sent in.

Ordered by its Chief Justice that this Court be adjourned without day.

Peter C. Sherman
Chief Justice

Attest B. S. Williams
Clerk

U. S. Supreme Court ... May Term A.D. 1880. 1st Day of Term

Tuesday May 11th 1880

Be it remembered, that on this 11th day of May A.D. 1880 it being the second Tuesday of May A.D. 1880, The Honorable Supreme Court of Dakota Territory, met at the Court Room in the City of Yankton D.T. — pursuant to law,

Present

Honorable Peter C. Shannon Chief Justice
" G. G. Moody Associate Justice
" J. P. Muller " "
" Hugh J. Campbell U.S. Attorney
John B Raymond U.S. Marshal

Bailiff

U.S. Witnesses Clerk

The Court being duly opened.

His Honor Peter C. Shannon proceeds with the calling of the cases on the Calender.

And now the following motions and orders of the Court.

In the Supreme Court
Dakota Territory } May Term 1880

And now comes Hugh J. Campbell U.S. Attorney and moves that Thomas Dent Esqr. who is a practicing Attorney of the Bar of the City of Chicago, be admitted to practice in this Court in pursuance with the required Oaths.

Hugh J. Campbell
US Attorney

And May 11th, 1880, it being shown that the said applicant has Special professional business in this Court, which is the reason of this application. On consideration, the said motion is granted, and the requisit Oath is administered in open Court

By the Court
Peter C. Shannon
Chief Justice

In the Supreme Court
Territory of Dakota }

In the matter of the application of Forest M. Flagg, Edwin Parkinson Wells Hemenshoot and [illegible] to be admitted to practice law before the Supreme Court.

And now on this 11th day of May 1880, comes Nelson [illegible] and moves the Court that Forest M. Flagg Edwin Parkinson Wells Hemenshoot & R. J. Jamieson

-Continued

be admitted to practice as an attorney at law in the Supreme Court of the Territory of Dakota, and herewith submit that each of said gentlemen has been admitted to practice in the District Courts of this Territory.

Melvin Gregory
Attorney.

And the same day on consideration thereof the motion is granted and the applicants having taken in open Court the Oath prescribed by law, each of them is duly admitted to practice as an attorney at law in the Supreme Court of the Territory of Dakota— Done in open Court this 11th day of May 1880

By the Court
Peter C. Shannon
Chief Justice

And now at 11 o'clock and 30 minutes in the forenoon this Court is adjourned until Wednesday the 12th day of May 1880, at 10 o-clock in the forenoon of said day.

U. S. Supreme Court. Term. Sess. A.D. 1880. 2nd Day of Term.

Wednesday May 12th 1880

Court met at the usual hour in the City of Jacksonville pursuant to adjournment

Present

Hon Peter V Anderson Chief Justice Presiding

" A.H. Barnes Associate Justice

" G.G. Woody " "

" J.P. Kibler " "

" Hugh J. Campbell U.S. Attorney

" Jno B. Baynard U.S. Marshal.

Warren Osborne Clerk

C.P. Edwards F.J. Pierson, & L.H. Elliott Bailiffs

B.L. Williams Clerk

Territory of Dacotah
Supreme Court } ss May Term 1880... May 12th 1880

On the motion of the admission of Thomas Edwards Esqr Charles H Roberts Esqr and John B Dennis Esqr. It appears as attorneys and counselors at Law in this Court

William P. Dewey an attorney and counselor of this Court, duly admitted and practicing herein, now comes and in open Court moves the Court that Thomas Edwards Esqr Charles H Roberts Esqr and John B Dennis Esqr residents of the City of Jacksonville, and who have heretofore been admitted and licensed to practice as attorney and Counselors at Law in the District Court of said Territory for the Second judicial Districts thereof be admitted and licensed to practice as attorney and Counselors of this Court.

William P. Dewey

Attorney and Counselor of said Court

Now reading and filing the foregoing motion of Wm. P Dewey an attorney and Counselor of this Court, duly licensed and practicing herein, moving the admission of Thomas Edwards Esqr Charles H Roberts Esqr & John B Dennis Esqr as Attorneys and Counselors of this Court, all of whom are residents of this Territory and have heretofore admitted and licensed to practice as Attorneys and Counselors in one of the District Courts of said Territory.

Upon due consideration thereof, it is ordered that each said Thomas Edwards Esqr Charles H Roberts Esqr and John B Dennis Esqr be admitted and licensed Attorneys and Counselors of this Court, and the oath prescribed by law being taken by them in open Court, they are admitted.

Dated and done in open Court, this 12th day of May 1880. being the second day of said Term.

By the Court

Thos C. Edwards

Clerk

Continued

United States of America.
Supreme Court
of Dakota Territory } ss

Be it Remembered, That on this 12th day of May in the Year of Our Lord one Thousand eight hundred and eighty personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid, Samuel Wipf a citizen born, above the age of twenty one years, and applied in open Court to be admitted, to become a naturalized Citizen of the United States of America, in accordance to the several acts of Congress, heretofore passed on that subject. And the said Samuel Wipf having thereupon produced to this Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and this Court being satisfied, as well from the oath of the said Samuel Wipf as from the testimony of Christoph Steinbach and John Salzer, who are known to be citizens of the United States; that the said Samuel Wipf has resided within the limit and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Samuel Wipf reported himself, and filed his declarations of intention as aforesaid.

It is Therefore Ordered, That the said Samuel Wipf be permitted to take the Oath prescribed by the constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty Whatever, and more particularly to the Emperor of Russia whereof he was heretofore a subject which said oath having been administered by the said Samuel Wipf by the Clerk of said Court in open Court it was ordered by the Court that the said Samuel Wipf be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court under the Seal of said Court, which is done accordingly.

Peter C. Shannon
Chief Justice

United States of America.

Supreme Court
of Dakota Territory ss.

Be it Remembered that on the 12th day of May in the Year of our Lord One thousand eight hundred and eighty, personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid John Kuhlbach. an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized Citizen of the United States of America, pursuant to the several acts of Congress. Whereupon proper proofs on that behalf. And the said John Kuhlbach having thereupon produced to this Court record testimony showing that he had been for repaired two years and filed his declaration of his intentions to become a Citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oaths of the said John Kuhlbach as from the testimony of John Beiderbeck and Nicholas Max Who are known to be citizens of the United States, That the said John Kuhlbach has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said John Kuhlbach reported himself and filed his declarations of intentions as aforesaid.

It Was Ordered. That the said John Kuhlbach be permitted to take the oath to support the Constitutions of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentat, State or Sovereignty Whatever; and more particularly to the Emperor of Russia whereof he was heretofor a subject, which said oath having been administered to the said John Kuhlbach by the Clerk of said Court in open Court, it was ordered by the Court that the said John Kuhlbach be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court under the Seal of said Court which is done accordingly.

Peter C. Shannon
Clerk of Courts.

U. S. Supreme Court, May Term A.D. 1880. 2nd Day of Term. 41

Wednesday May 12th 1880 Continued.

Territory of Dakota
In the Supreme Court } May Term 1880

The Territory of Dakota
vs
Fred Preston. } No (71) Motion to Return record to District Court to perfect the record.

I respectfully state to this Court, that the record in this case does not show that the judge who tried this case below or any Justice of the Supreme Court, allowed a Writ of Error herein or certified that there was any cause for such Writ, nor does it show any certificate of such Judge or Justice that all the bills of exceptions in said case are presented in the record nor any of the testimony taken on the trial below. Nor does it show that any certificate was ever made by said Judge or said Justice for any purpose; Now, for these reasons & for others manifest on inspection of the record. I move this Honorable Court, (the Counsel for plaintiff in error consenting thereto) that said Record and all the papers in said case be returned to the said District Court of Hanmebaha County with leave to have said record perfected

May 12th 1880. Alfred H. Flagg Dist Atty
and Counsel of Dft in Error

This motion having been heard in open Court on this day above mentioned, it is ordered that the record and other papers in said case be returned to the District Court of Minnehaha County and that the plaintiff in Error have leave to perfect the same. — (H. Parkinson, Atty. for plaintiff in error in open Court, consenting to the same)
(This cause continued until (next Term) By the Court.
Peter C. Shannon
Chief Justice

The Territory of Dakota
Dft in Error
vs
Dolan Scott
Plaintiff in Error } No 69
Writ of Error to the District Court of Minnehaha County

This cause coming on to be heard, on motion of Alfred H. Flagg Esq. for Defendant in Error and Fred Preston Esq for Plaintiff in Error

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U. S. Supreme Court. Thursday A.D. 1850. 2nd Day of Term.

Wednesday May 12th 1850 Continued

The United States
Defendant in Error
vs
Silas Francis Beebe
Plaintiff in Error

No 12.
Writ of Error to the District Court of the Second Judicial District.

The above cause being called. Now comes L.B. French Esqr and proceeds with his argument in behalf of Silas Francis Beebe the said Plaintiff in Error.

And now at 6 o-clock P.M. this Court is adjourned until Thursday the 13th day of May 1850. at 9 o-clock in the forenoon of said day

Thursday May 13th 1880

Court met pursuant to adjournment

Present

Honorable Melville Fuller Chief Justice
" A H Bames Associate "
" S F Miller " "
" J P Fielder " "
" Hugh J Campbell U S Attorney
John B Reynard U S Marshal
Warren Osborne Crier
C P Edmunds & J Johnson & H Elliott Bailiffs
B S Williams Clerk

The Court being duly opened the following proceedings were had.

The United States
Defendant in Error
vs
Silas Seavers Beebe
Plaintiff in Error

No 12

Writ of Error to the District Court of the Second Judicial District.

The argument in the above cause is continued by A B Enoch Esq.

And now comes Hugh J Campbell U S Attorney for Defendant in Error.

And now comes the said Plaintiff in Error by Wm P Dewey Esq.

Ingolis Plow Company
Respondent
vs
Herman Gilbert & Jacob Schaefgell Jr
Appellants

No 75

Appeal from the District Court of Minnehaha County

The above cause being called it is argued by H H Wilson Esq for the Appellant, and partially argued by Mr Hubbard Esq for Respondent, Whereupon the following Stipulations were filed.

The Supreme Court, Dakota Territory
Ingolis Plow Co Respondent
vs
Herman Gilbert, Jacob Schaefgell Jr Appellants

Appeal from Minnehaha County District Court.

This cause coming on to be heard

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U. S. Supreme Court. Term ended Oct. 1880. 3rd Day of Term.

Tuesday May 13th 1880 Continued

on for argument and the hearing thereof having begun. Now comes the Respondent and the Appellants by their attorneys of Record and this 13 day of May 1880. Stipulate and agree that an order be entered herein reversing the judgment in the Court below and remanding the cause to the Court below for a new trial, at Respondents Cost

Quigley & Wilkes attys for Respondent.
C. H. Winsor Appellants attorney.

And now May 13th 1880 at the May Term of said Court this cause coming on to be heard, and without concluding the argument the within Stipulations being made and filed by the parties whereby it is stipulated and agreed by and between said parties that the judgment herein may be by this Court reversed and a new Trial ordered.

It is now by this Court Considered ordered and adjudged that the judgment heretofore rendered in the within and foregoing entitled action be and the same is hereby reversed, and it is further ordered that a new trial of said action, in the said District Court of Shoshone County be had — and the record in said cause is remanded to the said Court below for further proceedings accordingly. It is further considered & adjudged that the said Appellants recover of the said Respondents their costs of appeal taxed at Seven Dollars and Fifteen Cents

By the Court
Peles C. Sherman
Chief Justice

Isaac N. French et. al.
Respondents
vs
Hiram L. Lancaster et. al.
Appellants

No. 68.
Motion to Strike out certain portions of the record.
(See motion on file)

And now comes J. H. Gassett Esq with argument for said motion.

And now at 6 o'clock P.M. this Court is adjourned until tomorrow the 14th day of May 1880, at 9 o'clock A.M. of said day

U. S. Supreme Court, May Term A.D. 1880. 14th Day of Term.

Friday May 14th 1880

Court met pursuant to adjournment.

Present -

Honorable Peter C Shannon Chief Justice
" A H Barnes Associate "
" G C Moody " "
" J P Kidder " "
Hugh J Campbell U S Attorney
John B Raymond U S Marshal
Warren Oleson Clerk
C P Edmunds T J Thorsen, & L H Elliott Bailiffs
B S Williams Clerk.

I W French et al, Respondents
vs
Nimrod Lancaster Appellants
} No 68
Motion of yesterday to strike out certain portions of the record.

And now comes J R Gamble & W R Steele Esqrs with arguments for said Motion. and by Thomas Dunn Esqr. contra. (Motion denied)

United States of America ss
Territory of Dakota
In Supreme Court
} Error from the Lawrence County District Court.

May Term, A.D. 1880.

Isaac W French et al Respondents
vs
Nimrod Lancaster Appellants
}

Now comes said parties by their respective Counsel and the motion of respondents to strike from the transcript the bill of exceptions & other matter therein specified coming on to be heard, & the Court having heard read the affidavits of the parties for & against said motion as well the Stipulation & Motion of respondent for a continuance made at the last Term of this Court & having heard the arguments of Counsel & having advised thereon. It is now by the Court here considered and ordered that said Motion be and the same is hereby Overruled & denied.

Done in open Court this fourteenth day of May A.D. One Thousand Eight Hundred and Eighty. By the Court
Peter C. Shannon
Chief Justice Supreme Court.

U. S. Supreme Court. Aug. Term. A.D. 1882. 4th Day of Term.

Friday May 14th Continued

United States of America

Supreme Court of }
Dakota Territory } ss.

Be it Remembered. That on this 14th day of May in the Year of Our Lord one thousand eight hundred and eighty-two personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid Jakob Lenz an alien born, above the age of twenty one years, and applied in open Court to be admitted a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject. And the said Jakob Lenz having thereupon produced to the Court record testimony showing that he had heretofore repented himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress and the Court being satisfied, as well from the oaths of the said Jakob Lenz as from the testimony of Michael Reister and Peter Royer who are known to be citizens of the United States; that the said Jakob Lenz has resided within the limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Jakob Lenz, repented himself, and filed his declaration of intention as aforesaid.

It was ordered, That the said Jakob Lenz be permitted to take the oath to support the Constitution of the United States, and the usual Oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty Whatever, and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Jakob Lenz by the Clerk of said Court in open Court it was ordered by the Court that the said Jakob Lenz be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States and that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly.

Peter C. Shannon
Chief Justice.

Friday May 14th 1880 continued

Isaac W Trenchet al,
Respondents
vs
Nimrod Lancaster et al,
Appellants,

No 68.

Appeal from the District Court of Lawrence County.

The above cause being called for argument. Now comes Hugh J Campbell Esqr. for the appellants and now comes J R Gamble and W R Steele Esqrs for the respondents.

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U. S. Supreme Court. May Term A.D. 1880. Day of Term

Saturday May 15th 1880

Court met pursuant to adjournment.

Present:

Honorable Peter C Shannon Chief Justice
" A H Barnes Associate "
" G C Moody " "
" Hugh J Campbell US Attorney
John B Reynolds US Marshal by C P Edmunds Deputy.
Warren Osborne Crier
E J Johnson & L H Elliott Bailiffs
B S Williams Clerk

The Court being duly opened the following proceedings were had.

Oscar W French et al Respondents
vs
Nimrod Lancaster et al, Appellants
} No 68.

The above cause being called for further argument It is argued by Hefner Gamble and Steele for Respondents, and by Shannon Dent & Orr for the Appellants.

American Button Hole Sewing Machine Co. Appellants
vs
S F Moore et al, Respondents
} No 76
Appeal from Foley County 4th Judicial District
Stipulations

The undersigned hereby Stipulate and agree: That this Cause be submitted to the Court on the records and Briefs on file herein.

2 That the only point raised by this demurrer to the Defts complaint is that Defts. have not filed a certified copy of its Charter or articles of incorporation with the Secty. of Dak Territory or appointed an agent &c as the laws the notes, Bond and agreement, were executed.

3 That every objection that may exist as to the rights of the Defts. to raise this question by demurrer is waived.—

May 15th 1880.

H A Copeland
atty for Appellants
Marcus Bates
Attorney for Respondents

U. S. Supreme Court, May Term A.D. 1886. 53 Day of Term.

Saturday May 15th 1886 continued

United State of America.

Supreme Court
of Dakota Territory } ss

Be it Remembered, That on this 15th day of May in the Year of Our Lord one thousand eight hundred and eighty six personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid, Adam Keller an alien born, about the age of twenty one Years, and applied in open Court to be admitted to become a naturalized Citizen of the United States of America, pursuant to the several acts of Congress, heretofore passed on that subject, And the said Adam Keller having thereupon produced to the Court record testimony showing that he had heretofore repented himself and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Adam Keller as from the testimony of Charles F Rapstencher and Gotlieb Salow, who are known to be Citizens of the United States, that the said Adam Keller has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being, and happiness of the same, and four years and upwards having elapsed since the said Adam Keller repented himself and filed his declaration of intention as aforesaid.

It Was Ordered, That the said Adam Keller be permitted to take the Oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever and more particularly to the Emperor of Prussia. Whereof he was heretofore a subject, which said oath having been administered to the said Adam Keller by the Clerk of said Court, in open Court it was ordered by the Court that the said Adam Keller be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, witness my hand and seal of office.

[illegible]
Clerk of Supreme Court

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11. S. Supreme Court. Term Sess
A.D. 1880. 5th Day of Term.
Saturday May 15th 1880 Continued

To the Honorable Peter C Shannon Presiding Judge of the Supreme Court—

Your petitioner the Undersigned Nancy Baker respectfully represents and thereby certifies, that she was born in Eighteen hundred and Eighteen A.D. in the Kingdom of Great Britian, that she in Company with her parents landed at the port of New York in the Months of May A.D. 1827, being then 9 Years of age and from that to the present time has continually resided within the boundaries of the United States that she knows of her own knowledge that her father died before a citizen of the United States while she was still a minor, but that she has since ascertained upon due enquiry that the records thereof cannot now be produced for the reason that they are destroyed by fire Your petitioner therefore prays, in view of the fact that she being a single woman over twenty one Years of age and having lived in the United States more than five Years and more than one year within the jurisdiction of this Court immediately preceding this petition and further that it has been her bona fide intention to become a citizen of the United States for the last five years past, that she may be admitted to all the privileges of a Naturalized Citizen

Nancy Baker

Subscribed and Sworn to before me this 15th day of May 1880
B S Williams Clerk Supreme Court

Dakota Territory }
County of Yankton } ss Mrs S L Whitney and George Baker being first duly Sworn according to law depose and say that they heard the foregoing petition read and know the contents thereof and believe the same to be True and correct.

Subscribed and Sworn to before me this 15th day of May 1880. B S Williams Clerk

Mrs S L Whitney
George Baker

Seal

United State of America

Supreme Court of Dakota Territory } ss.

Be it Remembered. That on the 15th day of May in the Year of our Lord one Thousand eight hundred and eighty personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid, Nancy Baker an alien born, above the age of twenty one Year, and applied in open Court to be admitted to become a naturalized citizen of the United States of America pursuant to the several Acts of Congress in such case made and provided and the Court heard testimony touching the said petitioner's residence within the United States and within the Territory aforesaid and upon examination of the papers and records of this Court it appears to the satisfaction of the Court that the said Nancy Baker has resided within the limits and jurisdiction of the United States for the space of five years last past and within the Territory aforesaid one year last past, and that during that time she has behaved herself as a man of good moral character attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same. And the said Court being satisfied as aforesaid that the said petitioner is entitled to be admitted to become a citizen of the United States of America, and that she has complied in all respects with the laws in such case made and provided, it is ordered that the said petition be granted and that the said Nancy Baker be admitted to become a citizen of the United States of America, and thereupon the said petitioner took the oath to support the Constitution of the United States and renounced and abjured all allegiance and fidelity to every foreign Prince Potentate State and Sovereignty whatever and particularly to the Queen of Great Britian of whom she was before a subject, and the said petitioner was duly admitted to become a citizen of the United States of America, and a certificate of her admission was ordered to be issued to her by the Clerk of this Court.

of her intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Nancy Baker as from the testimony of Geo. A Baker and Jonah D Whitney who are known to be citizen of the United States; that the said Nancy Baker has resided within the limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota and that during the whole of that time she has behaved herself as a Woman of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Nancy Baker declared her intention as aforesaid

It was ordered, That the said Nancy Baker be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby she renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty Whatever; and more particularly to Queen of Great Britain whereof she was heretofore a subject, which said oath having been administered to the said Nancy Baker by the Clerk of said Court in open Court it was ordered by the Court that the said Nancy Baker be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly.

Peter C. Stevens
Chief Justice.

And now here court is adjourned until Monday the 17th day of May 1880 at 9 o'clock A. M.:

U. S. Supreme Court. Austin Texas A.D. 1880. 6th Day of Term.

Monday May 17th 1880

Court met at the Court Room in the City of Austin pursuant to adjournment

Present

Hon Peter C Shannon Chief Justice
" A H. Barnes Associate Justice
" G C. Moody " "
" Hugh J Campbell U S attorney
John B. Rogers by L P Edmunds Deputy
Warren Albans Senior
S. J Thrasher and L H Elliott Bailiffs
B J Williams Clerk

The Court being duly opened the following proceedings were had to Wit

Isaac W French et. al. } No 68
Respondents.
vs
Nimrod Lancaster et al
Appellants

And now come the attorney in the above cause. Hon Shos Dent for Appellants— and Gabriel & Steele for Respondents.

Territory of Dakota ss.
In Supreme Court
No 73.

Henry Pollard Respondent
vs
Henry J Mitchell
Appellants
} Appeal from the District Court of Bastrop County.

And now comes the Respondent Henry Pollard by Chipp & Boyles his attorney and moves the Court for an order dismissing said appeal at the costs of the appellant upon the ground that said appellant has not within twenty days after or at any other time his prosecuting appeal herein caused a certificate of the judgment roll and notice of appeal to be filed in this cause as required by Statute, and for such other and further relief as may be right and just in the premises.

May 17th 1880

Chipp & Boyles
Attorneys for Respondent

U. S. Supreme Court, May Term A.D. 1880. 6th Day of Term.

Monday May 17th 1880 Continued

Territory of Dakota ss

In Supreme Court

Henry Pollard
vs Respondent
Thomas J Mitchell
Appellants

This action having been reached in its order upon the Calendar, and the appellant Thomas J Mitchell not appearing.— and the respondent Henry Pollard appearing by Sidney Boyles attorney and moving to dismiss said appeal. and it appearing to the Satisfaction of the Court. That said appeal was duly perfected on the 3rd day of July A.D. 1879, from the judgment rendered in said action in the District Court, Third Judicial District Burleigh County Dakota Territory— and that the appellant has not caused a certified copy of the judgment roll and notice of appeal to be transmitted to the Supreme Court as required by the Statutes of the Territory— and said motion to dismiss being heard by the Court and being fully advised in the premises.

It is ordered, that said motion be granted. and that the said appeal be and the same is hereby dismissed without prejudice to a new appeal and that the respondent have and recover of the appellant his costs in this behalf expended and disbursed taxed and allowed at Eleven Dollars and ten cents.—

By the Court
Peter C. Shannon
Chief Justice

May 17th 1880.

Territory of Dakota }
In Supreme Court } ss
Louisa E. Gale
vs
Andrew Gale, her Husband

Now This 17th day of May 1880 this cause coming on for hearing upon regular call of the Calendar and the parties having filed a Stipulation in writing for the Continuance of said Cause.

It is therefore ordered that this Cause be and the same is hereby Continued to the next Term of this Court

By the Court
Peter C Shannon
Chief Justice

And now Court is adjourned until 10 o'clock in the forenoon of said day

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U. S. Supreme Court. May Term A.D. 1880. 7th Day of Term.

Tuesday May 18th 1880

Court met at the Court Room in the City of Yankton D.T. pursuant to adjournment.

Present

Hon Peter C Shannon - Chief Justice
" G. C Moody Associate "
" J. P Kidder " "
Hon Joseph K Campbell U S attorney
John B Maynard U S Marshal by C P Belmont Dep'y
Warren Osborn Crier
F J Johnson & S H Elliott Bailiffs
B S Williams Clerk

Territory of Dakota
Supreme Court
May Term 1880

F. E. Bennett. Respondent
vs
R. Buchanan, appellant

This action coming on to be heard at the October Term of said Supreme Court at the Supreme Court Room in the City of Yankton, Yankton County in said Territory A.D. 1879. Present the Honorables P. C. Shannon, Chief Justice; A. H. Barnes and J. P. Kidder Associate Justices, Justice G. C. Moody, having been of Counsel, not sitting in the Case. And the same having been argued by Mr. M. Grigsby and Mr. F. E. Bennett on the part of the appellant and by Mr E. G. Smith on the part of the Respondent and submitted for the Consideration of the Court and upon advising thereof said Cause having been ordered to the May General Term of said Supreme Court A.D. 1880 for judgment. And now at said May Term A.D. 1880 said cause being come on for judgment.

It is ordered and adjudged that the judgment appealed from herein be, and the same is hereby affirmed and this Cause is hereby Remanded to the District Court within and for the 1st County of Minnehaha to be there proceeded with according to law. And it is further ordered and adjudged that the said Respondent Fine and Recover his Costs in this behalf Expended to be Taxed and allowed at Eighteen Dollars and Sixty five Cents And that a Writ of Error do [illegible]

U. S. Supreme Court, May Term A.D. 1880. 2nd Day of Term.

Tuesday May 18th 1880 continued

1880

By the Court

Jas. C. Shannon

Chief Justice

James. J. dissenting

United States of America
Territory of Dakota } In the Supreme Court

Writ of Error to the Second Judicial District

The United States
vs
Silas Frank Beebe } Defendant in Error

Plaintiff in Error } May Term A.D. 1880

The writ of Error herein coming on to be heard was argued by William P. Dewey and L.B. French Esqrs. for the plaintiff in Error and by Hugh J. Campbell Esq United State attorney, for the defendant in Error, and the Court having fully advised thereof and perceiving no Error in the Record from the Second Judicial District Court, in this Cause

It is therefore

this Eighteenth day of May One thousand Eight hundred and Eighty all the said premises and the Record being by the whole Court here fully known now here Considered Ordered and adjudged that the judgment of death, of the said District Court in and for said Second Judicial District of Dakota Territory in said Cause of the United States against Silas Frank Beebe be and the same is hereby in all respects affirmed.

And it is

further Ordered that this Cause with the Record herein be remanded to the said Second Judicial District Court and that said district Court proceed herein to carry into effect the judgment herein for Error in said District Court as by law required

By the Court

Jas. C. Shannon
Chief Justice
Supreme Court D.T.

All the Justices Concurring.

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U. S. Supreme Court. May Term A.D. 1880. 7th Day of Term.

Tuesday May 18th 1880 Commissioned

Territory of Dakota
Supreme Court
May Term 1880

The Territory of Dakota
Ex. rel. Emily Hall - Respondent
vs
D.J. Brankle, Mrs. Sarah Van Tassel,
Administratrix & Frank L. Van Tassel
Administrators of the Estate of Wm
Bordeus, deceased. Appellant

This Action Coming on to be heard at this October Term of said Supreme Court at the Supreme Court room in the City of Yankton Yankton County in said Territory A.D. 1879. Present the Honorables P.C. Shannon Chief Justice, A.J. Barnes & J.P. Kidder Associate Justices - Justice G.C. Moody, having been of Counsel, not sitting in the Case. And the same having been argued by Mr Bartlett Tripp on the part of the appellants and by Mr R.J. Gamble and Mr Alvin Shannon on the part of the Respondent and submitted for the consideration of the Court and upon advising thereof said Cause having been continued to the May General Term of said Supreme Court A.D. 1880 for judgment And Now at said May Term A.D. 1880 said Cause having come on for Judgment. It is ordered and adjudged that the judgment appealed from herein be and the same is hereby reversed and this cause is hereby remanded to the District Court thereof and for said County of Yankton with directions to dismiss the Complaint. And it is further ordered & adjudged that the said appellants have and recover their costs in this behalf expended as taxed and allowed at Nine dollars and Twenty cents ($9.20)

Done in Court this 18 day of May A.D. 1880
By the Court
Attest. P.C. Shannon
Chief Justice

Shannon. C.J. Dissenting

U. S. Supreme Court, May Term A.D. 1880. 427
4th Day of Term.
Costs

The United States of America
Territory of Dakota
In the Supreme Court
Writ of Error to the County of Minnehaha
May Term A.D. 1880

Territory of Dakota
vs Defendant in Error
John Scott
Plaintiff in Error

This cause having been brought on for hearing and argument at this term after hearing M. Gregory Esq Counsel for the Plaintiff in Error and Alfred M. Flagg Esq district attorney for the Fourth Judicial District for the defendant in Error and the Court having fully advised thereof and finding no Error in the record of the said district Court of said Minnehaha County in said cause, it is this Eighteenth day of May A.D. 1880 therefore now here Considered Ordered and adjudged that the judgment of Conviction of the said District Court of Minnehaha County in said Cause be and the same is in all respects affirmed. And it is further Ordered that the record herein be remitted to the said district Court and the said district Court proceed to carry into effect the said judgment thus affirmed as by Law required

By the Court
(Attest) Peter C. Shannon
Chief Justice
Supreme Court D. T.

All the Justices Concurring

The United States of America
Territory of Dakota
In the Supreme Court
May Term A.D. 1880

Appeal from the District Court of Clay County

The American Button Hole Overseaming
Mfg Sewing Machine Co
Appellants
vs
Express Company and W. F. Thomas & Co
Respondents

42N

M. S. Supreme Court May Term A.D. 1880. 7th Day of Term.

(Present)

on to be heard at the May Term A.D. 1880 of said Supreme Court at the Supreme Court Room in the City of Yankton. Present the Chief Justice and all the Associate Justices and the appeal herein having been submitted upon printed briefs and arguments N.A. Copeland Esq. Counsel for Appellant and Moses Robbins Esq Counsel for Respondents and the Court having Advisement thereof - It is now here Considered Ordered and Adjudged that the judgment of the said District Court of said Clay County appealed from herein be and the same is hereby reversed. And it is further ordered that this Cause be and is hereby remanded to the District Court within and for said Clay County with directions to overrule said demurrer and give said defendants the appellants herein thirty days time to serve their answer to the plaintiffs Complaint and to proceed therein as provided by law. It is further ordered and adjudged that the said appellant have and recover of and from the said Respondents its Costs and disbursements in the behalf expended, taxed and allowed at Six dollars and Seventy five cents.

Done in open Court this 18th. day of May A.D. 1880

By the Court

Peter C. Shannon

Chief Justice

Supreme Court D.T.

Associate Justice Kidder dissenting.

In Supreme Court
Territory of Dakota

Isaac N. French et. al.
vs
Plffs & Respondents
Hiram Lamoreaux et. al.
Defts. & Appellants

Opinion filed the 18th day of May 1880 in open Court the parties by their respective attorneys stipulate that the provisions of the order of the last term of this Court operating to stay proceedings on the judgment in the Court below and allowing costs

U. S. Supreme Court, May Term A.D. 1880. 18th Day of May Term.
Continued

time for redemption of the property sold and leaving or precluding the plaintiffs from mining or removing or hoisting the ore from the disputed mining ground in Controversy in this action either on the surface or the dip of the ledge thereof he and the same are hereby vacated and declared to continue in force in all respects until the close of the term of this Court which shall be next held, and when the Court shall sit for the transaction of business And the said provisions or stipulations are until then continued in like manner as if the order of the Court at this Court term had extended or continued the same for the term to intervene between the making of the stipulation at that term and the said next term which shall hereafter be held and meanwhile the time for the redemption of the property sold shall not be considered as running from the time of the making of the stipulation at the former term until the close of said next term of this Court

Signed this 18th day of May 1880

Steele & Gamble
of Counsel for Defendants
Campbell & Smith
of Counsel for Appellant

And now thereupon the Court on the presentation of the foregoing stipulation and in the presence of the said Counsel for the respective parties orders that the foregoing stipulation be entered of record and be respected and observed according to its terms And it is accordingly so ordered

By the Court

(Attest)

Peter C. Shannon
Chief Justice

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U. S. Supreme Court May Term A.D. 1880. 7th Day of Jan.
Continued

United States of America
Territory of Dakota

In the Supreme Court
May Term A.D. 1880
Appeal from Lawrence County

Isaac U. French et. al.
Respondents
vs
Amos Lancaster et al
Appellants

Now on this 18th day of May A.D. 1880 upon Considering that the main Contest and act of location and appropriation as appearing in the transcript there made and did actually transpire in the Sioux Indian Reservation during the year 1876 which facts notwithstanding the Stipulation of the parties hereto may Constitute an Elemental and vital question in the decision of this cause and as the Court have not Argued said question although it has been suggested to them by the Court and have stated that they are not now prepared to Argue said question;
And it further appearing that in the preparation of the bill of Exceptions the provisions of the Code of Civil Procedure in that regard and the Rules of this Court have been greatly disregarded It is now ordered that this cause be Continued until the next term of this Court for further Argument and it is further ordered that the transcript herein be remitted to the Court below in order that the bill of Exceptions may be made to confirm to the Code of Civil Procedure and the Rules of the Court and the Judge of said district Court is directed to come to Yankton before the said parties and to settle the Exceptions taken and the Evidence relating to said exceptions in the manner provided by the Statutes and Rules.

By the Court. Kirby G. Shannon
Clerk
Chief Justice
Associate Justices

U. S. Supreme Court. Mary Town Ex'd. 188 : 18th Day of May. Term.
Naturalized

United States of America
Supreme Court
of Dakota Territory } Ss.

Be it Remembered, That on the 18th day of May in the Year of Our Lord One thousand Eight hundred and Eighty personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid George Wipf an alien born above the age of twenty one years and applied in open Court to be admitted to become a naturalized Citizen of the United States of America pursuant to the several acts of Congress heretofore passed on that subject. And the said George Wipf having thereupon produced to the Court record testimony showing that he had heretofore upon oath and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several acts of Congress, and the Court being satisfied as well from the oath of the said George Wipf as from the testimony of John Satori and Henry Heydenreich who are known to be citizens of the United States that the said George Wipf has resided within the limits and under the jurisdiction of the United States for at least five years last past And at least one year last past within the Territory of Dakota and that during the whole of that time he has behaved himself as a man of good moral character attached to the principles contained in the Constitution of the United States and well disposed to the good order well being and happiness of the same and ten years and upwards have elapsed since the said George Wipf reported himself and filed his declaration of intention as aforesaid

It was ordered that the said George Wipf be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounces all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever and more particularly to the Emperor of Russia whereof he was heretofore a subject which said oath having been administered to the said George Wipf by the Clerk of said Court in open Court it was ordered by the Court that the said George Wipf be admitted to all and singular the rights privileges and immunities of a naturalized Citizen of the United States and that the same be certified by the Clerk of this Court under the Seal of said Court which is done accordingly

Peter C. Shannon
Clerk Supreme Court

U. S. Supreme Court, May Term A.D. 1880. 7th Day of Term.

Continued.

The United States of America
Territory of Dakota

In the Supreme Court
May Term A.D. 1880

Appeal from the District Court of Lawrence County

John B. Pearson
as Respondent
Morton E. Post impleaded
with Alonzo W. Whitney
Appellants

This action coming on to be heard at this May Term A.D. 1880 of said Supreme Court at the Supreme Court room in the City of Yankton Present the Chief Justice and all the Associate Justices and the appeal herein having been submitted upon printed brief and arguments M Laughlin and Stele Esqrs. Counsel for Appellants and Van Eps Titus Wilson Esqrs. Counsel for Respondent and the Court having advised therein It is now here Considered Ordered and adjudged that the judgment of the said District Court of said Lawrence County appealed from herein be and the same is hereby in all things affirmed

And it is further ordered that the Cause be and it is hereby remanded to the said District Court with directions to proceed and Carry out said judgment according to law

It is further ordered and adjudged that the said Respondent have and recover of and from said appellant his Cost and disbursements in this behalf Expended taxed and allowed at Ten dollars and Sixty five cents.

Done in Open Court this 18th day of May A.D. 1880

By the Court
Peter C. Shannon
Chief Justice
Supreme Court D.T.

Associate Justices Bruce, Liddell & Morris Concurring

Shannon Chief Justice

Filed May 18th A.D. 1880

The foregoing Judgment of Costs to the said defendant Appellant Post now here duly accepts and at his request the execution is stayed by direction of the Court.

U. S. Supreme Court, Term. 188. Filed May 1st. 1880

Constitutional

Done in open Court this 18th day of May A.D. 1880

By the Court

Peter C Shannon

Chief Justice

Territory of Dakota } In the Supreme Court
County of Lawrence }

John B. Pearson Plaintiff & Respondent

vs

Morton E. Post impleaded with

Alvin G Whitney

Defendants - Appellant

Motion for Stay of Proceedings

on issuance of Procedendo to

District Court

Now comes the said Morton E Post defendant and appellant and moves this Honorable Court now here to stay the issuance of the writ of Procedendo from this Court to the District Court of the First Judicial District of the Territory of Dakota within and for the County of Lawrence in the case for the period of sixty days in order that the said Morton E Post defendant and appellant may have opportunity if he so desire to perfect his writ of Error to the Supreme Court of the United States and perfect and file his bond for Supersedeas herein & for such stay as to this Court may seem proper. This application is made on the case and accompanying affidavit

Morton E. Post Appellant

By H Laughlin & Steele

his attorneys

Territory of Dakota } In the Supreme Court
County of Lawrence }

John B. Pearson - Plaintiff & Respondent

vs

Morton E. Post - impleaded with

Alvin G. Whitney Defendant - Appellant

Affidavit

William R. Steele being first duly sworn makes oath and says that he is one of the firm of Laughlin & Steele attorneys

U. S. Supreme Court, Navy Term A.D. 1898. 7th Day of Term.

Continued

at Law and one of the attorneys of the appellant Morton E. Post, that said appellant is a non resident of the Territory of Dakota and as affiant is informed and believes is now absent therefrom that said appellant is doing business at the Town of Deadwood in the County of Lawrence in said Territory and is amply responsible for the payment of the judgment herein personally and has given bond or undertaking for Stay of Execution herein; And that affiant believes that said appellant has prosecuted his appeal herein under the advice of Counsel in good faith

Affiant further says that said appellant resides at Cheyenne in the Territory of Wyoming but that affiant does not know whether appellant is at present at said place or not. That it will be necessary for said affiant to communicate with said appellant and advise him of the decision of the Court herein and that if said appellant shall desire to perfect his appeal or writ of Error to the Supreme Court of the United States and file his bond for Supersedeas herein that it will be necessary for him to visit Deadwood or Sturgis for the purpose of perfecting his said bond which will necessarily consume and require considerable time. That affiant fears that a less time than sixty days might be insufficient for said purpose but will endeavor to see that said writ of Error shall if taken be perfected at the Earliest practicable time

Affiant further says that the application for Stay of proceedings is not made for the purpose of delay but in order that said appellant may be given an opportunity of perfecting his writ of Error to the Supreme Court of the United States if he shall so desire

Wilson R. Steele

Sworn to before me this 16th day of May A.D. 1898

B. S. Wilkinson
Clerk

Supreme Court of
Seal
Dakota Ter.

U. S. Supreme Court, Thos Pearson vs. M. E. Post et Ux.

Certificate

Territory of Dakota
In the Supreme Court

John B. Pearson Plaintiff and Respondent
vs
Morton E Post impleaded with
Alvin M Whitney Defendants Appellants

Be it remembered that on this 18th day of May A.D. 1880 and at the May Term A.D. 1880 of said Supreme Court Came on to be heard the motion of the said Morton E. Post appellant for a stay of the issuance of the writ of Procedendo from this Court to the District Court of the first Judicial District of the Territory of Dakota within and for the County of Lawrence

Whereupon the Court being fully advised in the premises it is ordered by the Court that the said motion and application be and the same is now granted and allowed And that the Clerk of this Court shall not issue the writ of Procedendo in this cause to the said District Court of the First Judicial District within and for the County of Lawrence aforesaid until the expiration of Sixty (60) days from this 18th day of May A.D. 1880 but that said writ of Procedendo shall thereafter issue unless the issuance thereof shall be stayed according to law

By the Court

(Attest)

Peter C. Shannon
Chief Justice

In the Supreme Court of Dakota Territory

At the May Term 1880 thereof

begun and held at Yankton on the 11th day of May A.D. 1880 Honorable Peter C Shannon, A.V. Barnes, J.E. Hardy and J.P. Kidder judges thereof the following Order was made, viz Entered of Record, to wit:

Whereas O.S. Williams Clerk of the Supreme Court has rendered to this Court his account of his fees at the adjourned October Term 1879 and also Term and the items thereof, and in the Account [illegible]

U. S. Supreme Court, Yankton Term A.D. 1880. 7th Day of Term.

Continued

United States Attorney has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated. And whereas said charges appear to be just and according to law

It is hereby ordered that the said account amounting to Sixty six dollars and seventy five cents be and the same is hereby approved

By the Court

May 18th 1880

Peter C. Shannon
Chief Justice

In the Supreme Court of Dakota Territory

At a regular term thereof begun and held at Yankton Dakota on the 11th day of May A.D. 1880 Honorables Peter C. Shannon, Asl. Barnes G. C. Moody and J. P. Kidder judges thereof the following order was made and entered of record to wit:

Whereas P. S. Williams Clerk of the Supreme Court has rendered to this Court an account of his fees at the May Term 1879 with the state thereof and in the presence of Hugh J. Campbell Esq United States Attorney has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated And whereas said charges appear to be just and according to law It is hereby ordered that the said account amounting ten dollars be and the same is hereby approved

By the Court

May 18th. 1880

Peter C. Shannon
Chief Justice

And now Court is adjourned until 10 o'clock A.M. to-morrow.

U. S. Supreme Court, Indian Territory A.D. 1880. May Term.

Wednesday May 19th 1880

Court met pursuant to adjournment

Present

Hon Peter C Shannon Chief Justice
John B Rayburn & Isaac Parker Associate Justices
Warren Osborne Crier
F. J. Thaden & L. H. Elliott Bailiff
B. S. Wilhelms Clerk

And now in consequence of the absence of the Associate Justices this Court is adjourned until Tuesday the 13th day of July at 12 o'clock M of said day

Attest B S Wilhelms
Clerk

Peter C. Shannon
Chief Justice

U. S. Supreme Court Adjourned Sine Die June 1st A.D. 1880. 9th Day of Term.

Tuesday May 18th 1880.

Court met at the Court Room in the City of Jamestown pursuant to adjournment.

Present— Hon Peter C Shannon Chief Justice
John B Raymond U S Marshal by Warren Osborne
L J Flanders & L H Elliott Bailiffs
B J Williams Clerk

The Court being duly opened the following proceedings were had.

Territory of Dakota
vs
John Scott
Plaintiff in Error

Defendant in Error

No 66.

Writ of Error to the District Court of Minnehaha County

Hon Peter C Shannon Chief Justice proceeds to read the opinion of the Court by Tidden Justice in the above entitled cause.

Same day the opinion was filed and made a part of the record of this Court.

All the Justices Concurring.

F. E. Everett
Respondent
vs
P Buchanan
Appellant

Appeal from Minnehaha County

And now
Hon Peter C Shannon
proceeds to read the Opinion of the Court by Tidden
Justice in the above entitled cause.

Same day opinion was duly filed and made a part of the record of this Court

And now this Court is adjourned without day.

Hunt

B. J. Williams
Clerk

U. S. Supreme Court,

A. D. 18 . Day of Term.

44C

U. S. Supreme Court, October Term A.D. 1880. 1st Day of Term.

Tuesday October 5th 1880

Be it remembered that on This 5th day of October A.D. 1880 it being the first Tuesday of October A.D. 1880, The Honorable Supreme Court of Dakota Territory met at its Court Room in the City of Yankton, Dakota pursuant to Law.

Present Hon Peter C Sherwood Chief Justice
" " A.H. Barnes Associate Justice
" " G.C. Moody " "
" Hugh J Campbell U.S Attorney
John B Raymond U.S. Marshal.
Warren Osborne Crier
C.O. Edmunds & L.H. Elliott Bailiffs
B.S. Williams Clerk

The Court being duly opened the following proceedings were had.

Territory of Dakota }
In Supreme Court } October Term A.D. 1880.

In the matter of the admission of Alfred D. Thomas Esqr as an Attorney and Counsellor of said Supreme Court.

And now, on this 5th day of October 1880, being the first day of said October Term of said Court, in open Court. Came Wm P. Dewey an attorney of this Court, and moves the Court that Alfred D. Thomas Esqr who has heretofore been admitted to practice in the District Courts of said Territory and who is a resident of this Territory, be admitted an Attorney and Counsellor of this Court and licensed to practice therein according to law and the rules and practices of this Court.

Wm P. Dewey
Attorney of the Supreme Court.

On presentation of the above motion, in open Court, and on considerations thereof, It is ordered by the Court that said motion be and the same is hereby is granted and it is further Ordered that Alfred D Thomas Esqr, be and he is hereby admitted an attorney and Counsellor of this Court, and accordingly licensed to practice in this Court according to law and the rules and practices of this Court, and it is further ordered that the oath prescribed by law to be administered in open Court to such applicant

Which is accordingly done,

Dated this 5th day of October 1880.

By the Court

Peter C Shannon Chief Justice

United States of America
Territory of Dakota } ss

In Supreme Court.

Now comes S L Spinnett Esqr an attorney of this Court, and moves this Honorable Court for the admission of Andrew F Burleigh to practice as an attorney of said Court, the said Andrew F Burleigh having been admitted to practice as an attorney in the Courts of the first and second judicial Districts of said Territory.

Yankton D.T.
Oct 5th 1880.

S L Spinnett

And now on this 5th day of October A.D. 1880. upon consideration of the foregoing motion, Ordered that the motion be granted and the said Andrew F. Burleigh having now in open Court taken the oath required by law, he is hereby admitted to practice as a counsellor & attorney of said Court

By the Court

Peter C Shannon Chief Justice

Territory of Dakota
In Supreme Court

Now comes E Pontbriand an attorney of this said Court, and moves that Lester S. Sweezy, an attorney of the 4th Judicial District in for said Territory be admitted to practice as an attorney and counsellor at law in said Court.

Dated October 5th 1880

E Pontbriand Esqr.

And now on this 5th day of October upon consideration of the foregoing motion ordered that the said motion be granted. And that said Lester S. Sweezy having now in open Court taken the oath required by law he is hereby admitted to practice as a counsellor and attorney of said Court

By the Court
Peter C. Shannon
Chief Justice

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U. S. Supreme Court. October Term A.D. 1880. 1st Day of Term.

Tuesday Oct 5th Continued

Territory of Dakota
In Supreme Court

Now comes E Parkinson an attorney of this Court and moves that Williams Wilkes an attorney of the 4th Judicial District is and for said Territory be admitted to practice as an attorney and counsellor at law in said Court.

Dated October 5th 1880.

E. Parkinson

And now on this 5th day of October upon consideration of the foregoing motion Ordered that the said motion be granted and that said Williams Wilkes having now in open court taken the Oath required by law he is hereby admitted to practice as a counsellor and attorney of said Court.

By the Court
Peter C. Shannon
Chief Justice.

United States of America
Supreme Court
of Dakota Territory } ss.

Be it Remembered, That on the 5th day of October in the year of our Lord one thousand eight hundred and eighty, personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid, Peter Whitmayer, an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject.

And the said Peter Whitmayer having thereupon produced to the Court proof testimony showing that he had heretofore reported himself and filed his declarations of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Peter Whitmayer as from the testimony of Michael Reisler and Fred Schreiber who are known to be citizens of the United States; that the said Peter Whitmayer has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character attached to the principles contained in the Constitution

of the United States, and well disposed to the good Order, well being and happiness of the Same; and two years and upwards having elapsed since the said Peter Nilsmeyer repented himself and files his declaration of intentions as aforesaid.

It Was Ordered. That the said Peter Nilsmeyer be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty Whatever; and more particularly to the Emperor of Russia Whereof he was heretofore a subject, which said oath having been administered to the said Peter Nilsmeyer by the Clerk of said Court in open Court it was ordered by the Court that the said Peter Nilsmeyer be admitted to all and singular the rights, privileges, and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court which is done accordingly

Peter C Shannon
Chief Justice

United States of America
Supreme Court
of Dakota Territory } ss.

Be it remembered that on the 5th day of October in the year of our Lord One thousand eight hundred and eighty personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid Johann Hanek, an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized Citizen of the United States of America, pursuant to the several Acts of Congress passed on that subject. And the said Johann Hanek having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several Acts of Congress and the Court being satisfied, as well from the oath of said Johann Hanek, as from the testimony of Fred Schroeder and Frederic Ritzer, Citizens of the United States, that the said Johann Hanek has resided within the limits and bounds of

U. S. Supreme Court. Dakota Terr. A.D. 1880. 1st Day of Term.

Wednesday October 5th Continued

jurisdiction of the United States for at least five years last past, and at least one year last past within the limits of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same, and two years and upward having elapsed since the said Johann Hanek reported himself and filed his declaration of intention as aforesaid

It was ordered that the said Johann Hanek be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Johann Hanek by the Clerk of said Court in open Court it was ordered by the Court that the said Johann Hanek be admitted to all and singular the rights privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court under the seal of said Court, which is done accordingly

Peter C. Shannon Chief Just.

United States of America
Supreme Court
of Dakota Territory } ss.

Be it remembered, that on the 5th day of October in the year of our Lord One thousand eight hundred and eighty personally appeared before the Honorable Supreme Court of Dakota Territory for the purpose aforesaid Christoph Heer an alien born above the age of twenty one years, and applied in open Court to be admitted to become a naturalized Citizen of the United States pursuant to the several Acts of Congress relative thereto, and that he the said Christoph Heer having produced to the Court such testimony touching his residence as required by law and filed his declaration of his intention to become a Citizen of the United States according to the several Acts of

said several Acts of Congress, and the Court being satisfied as well from the oath of the said Christoph Seeger as from the testimony of Michael Deister and Fred Schneider who are known to be Citizens of the United States, that the said Christoph Seeger has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a Man of good Moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Christoph Seeger reported himself, and filed his declaration of intention as aforesaid

It Was Ordered that the said Christoph Seeger be permitted to take the Oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Christoph Seeger by the Clerk of said Court in Open Court it was ordered by the Court that the said Christoph Seeger be admitted to all and singular rights, privileges and immunities of a naturalized Citizen of the United States and that the same be Certified by the Clerk of this Court under the Seal of said Court which is done accordingly

Peter C. Shannon Chief Seer.

United States of America
Supreme Court
of Dakota Territory } ss.

Be it remembered that on the 5th day of October in the year of our Lord One thousand eight hundred and eighty personally appeared before the Honorable Supreme Court for the Territory aforesaid Balthasar Stark an alien born, above the age of twenty one years, and applied to the Court to be admitted to become a Naturalized Citizen of the United States of America, pursuant to the several Acts of Congress heretofore provided and that such proceedings

U. S. Supreme Court Dakota Term A.D. 1880. 1st Day of Term.

Tuesday October 5th Continued

to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several Acts of Congress, and the Court being satisfied as well from the oath of the said Balthazar Hauck as from the testimony of Fred Schroeder, and Warren Osborne who are known to be citizens of the United States that the said Balthazar Hauck has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States (That the said) and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Balthazar Hauck reported himself, and filed his declaration of intention as aforesaid

It was ordered that the said Balthazar Hauck be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounced all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia whereof he was heretofore a subject which said oath having been administered to the said Balthazar Hauck by the Clerk of said Court in open Court it was ordered by the Court that the said Balthazar Hauck be admitted to all and singular the rights, privileges, and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court which is done accordingly

Peter C. Shannon Chief Justice

Isaac N. French et al
Respondents
vs
Simeon Lancaster et al
Appellants.

No 68

Lawrence County

The above cause being
by stipulation of counsel for appellants

U. S. Supreme Court, October Term A.D. 1880. 1st Day of Term.

Tuesday October 5th Continued

D. K. Sylvester
vs
Council Bluffs Iron Works

Now comes Bartlett Tripp Esq and moves the Court for an order dismissing the appeal with costs.

George Redfern
vs
Bernard Flynn.

And now comes Bartlett Tripp Esq and moves the Court for an order dismissing the appeal

And now October 1880 Court is adjourned until Tomorrow morning at 9 o'clock in the forenoon of said day.

Attest B. F. McElroy
Clerk

U. S. Supreme Court. October Term A.D. 1880. 2nd Day of Term.

Wednesday October 6th 1880

Court met pursuant to adjournment.

Present

Hon Peter C Shannon Chief Justice
" A.H. Barnes Associate "
" G.C. Moody "
Hugh J Campbell Dist Attorney
Joshua B. Raymond U.S. Marshal
Warren Osborn Clerk
C.P. Edmunds & L.H. Elliott Bailiffs
B.S. Williams Interpreter by E. Inman Deputy

The Court being duly opened the following proceedings were had

Territory of Dakota)
In Supreme Court)

October Term 1880

In the matter of the admission of George P Flannery Esq as an Attorney and Counselor of said Supreme Court.

And now on this 6th day of October A.D. 1880. being a day of this October 1880 Term of said Court. in open Court comes Hugh J Campbell, an attorney of this Court, and moves the Court that George P Flannery Esq who has heretofore been admitted to practice in the District Courts of said Territory and who is a resident of this Territory, be admitted an attorney and counselor of this Court, and licensed to practice therein according to law, and the rules and practice of said Court.

Hugh J Campbell Esq
Attorney of the Supreme Court.

And presentation of the above motion in open Court, and on consideration thereof it is ordered by the Court, that said motion be and the same is hereby granted. And it is further ordered that George P Flannery Esq. be, and he is hereby admitted an attorney and Counselor of this Court and licensed to practice in this Court according to law and the rules and practice of this Court, and it is further

U. S. Supreme Court, October Term A.D. 1880. 2nd Day of Term.

Wednesday October 6th 1880 Continued

Ordered that the oaths prescribed by law be administered in open Court to said applicant, which is accordingly done.

Dated this 6th day of October A.D. 1880.

By the Court
Peter V. Daniel
Chief Justice.

Isaac W. French et al.
Respondents
vs
Ninrod Doncaster et al
Appellants
} No 68
Appeal from Lawrence County.

Argument is continued by Mr Dent for Appellants.

And now by J R Scarritt Esq for Respondents.

Robert Nation et al.
vs Respondents
John D Cannon
Appellant
} No 81
Appeal from Miscellaneous County

And now this above cause being called, and is argued by Mr L S Sweeny for the appellant, and now by Mr Willis for Respondents.

Nevia E Stevens
vs Appellant
Louisa E Gale et al
Respondents
} Motion to dismiss the appeal by B. Tripp Esq. Counsel for Respondents.

The above motion coming on to be heard is argued by Mr B. Tripp for, and by Mr E Parker contra

U. S. Supreme Court, October Term A.D. 1880. 2nd Day of Term.

Tuesday October 12th 1880.

Court met pursuant to adjournment.

Present

Hon Peter C. Shannon Chief Justice
" A.H. Barnes Associate
" G.C. Moody "
" Hugh J. Campbell U.S. Attorney
John B. Raymond U.S. Marshal
Warren Osborn Clerk
L.H. Elliott Bailiff
B.S. Williams Clerk by C. Minier Deputy

Court being duly opened the following proceedings were had.

United States of America
Supreme Court
of Dakota Territory } ss.

Be it remembered That on the 7th day of October in the year of our Lord One thousand eight hundred and eighty personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid Adam Vilhauer an alien born above the age of twenty one years and applied in open Court to be admitted to become a naturalized Citizen of the United States of America pursuant to the several acts of Congress heretofore passed on that subject. And the said Adam Vilhauer having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several Acts of Congress, and the Court being satisfied as well from the oath of the said Adam Vilhauer as from the testimony of Fred Shroeder and Fred Mea who are known to be Citizens of the United States that the said Adam Vilhauer has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same, and has given and delivered

Continued

having elapsed since the said Adam Vilhauer reported himself and filed his declaration of intention as aforesaid

It Was Ordered that the said Adam Vilhauer be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Adam Vilhauer by the Clerk of said Court, it was ordered by the Court that the said Adam Vilhauer be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court which is done Accordingly

Peter C. Shannon Chief Justice

Isaac W. Finch et al
vs
Minnie Lancaster et al } No 68

And now the above cause being called Argument resumed by Mr J. N. Goodall for its Respondents and concluded by Mr Dent for its Appellants.

E A. Williams
vs
The Northern Pacific Rail Road Company. } No 79.

The above action being called and argument is begun by Mr Geo P Flannery for Appellants.

Robert Watkins et al
vs
John D Cannon } No 81

Argument resumed by Mr Watts, and concluded by Mr L. S. Sweezy for Appellants.

US 2

U. S. Supreme Court. October Term A.D. 1880. 4th Day of Term.

Tuesday October 8th 1880

Court met at the Court Room in the City of Yankton Dakota at 9 o-clock & 30 minutes A.M. pursuant to adjournment.

Present

Hon Peter C Shannon	Chief Justice
" H.E. Barnes	Associate
" G.G. Moody	"
" D.P. Kidder	"
Hugh J Campbell	U S attorney
John B. Raymond	U.S. Marshal
Warren Osborn	Clerk
L.H. Elliott	Bailiff
B S Williams Esqr	Deputy

Court being opened the following proceedings were had.

E. A. Williams
Respondent
vs
The Northern Pacific Rail Road Company. Appellants
} No 79.
Appeal from Burleigh County

And now comes Geo P. Flannery Esqr. and resumes his argument for the appellants. To our appearing in Court to argue the case for Respondent.

The United States
Defendant in Error
vs
Richard C. Adams
Plaintiff in Error
} No 81
Writ of Error to the District Court of Lawrence County

The above cause being called it is argued by Bartlett Tripp Esqr for Plaintiff in Error. and by Hugh J Campbell Esqr U S Attorney for defendant in Error.

U. S. Supreme Court, October Term A. D. 1880. 4th Day of Term.

Friday October 8th 1880.

No. 269
October Term 1879
Meadow
Supreme Court
United States
No. 87
1st Nat Bk
of Brunswick
Maine
vs
County of
Gamblow
—
Filed in the
Office of the
Clerk of the
Supreme
Court for the
Territory of
Dakota this
6th day of
July A.D. 1880
B. J. Williams
Clerk

United States of America, ss:

The President of the United States of America

To the Honorable the Judges of the Supreme Court of the Territory of Dakota greeting:-

(Seal of the Supreme Court of the United States)

Whereas, lately in the Supreme Court of the Territory of Dakota, before you, or some of you, in a cause between the First National Bank of Brunswick Maine, plaintiff in error, and the County of Gamblow defendant in Error, wherein the judgment of the said Supreme Court entered in said cause is in the following words viz:

"And now this 23rd day of August A. D. 1876. the writ of error having been brought in for argument at the General term of this Court and after hearing counsel for the plaintiff in Error for, and Counsel for the defendant in Error against, it is adjudged that the judgement of the District Court be affirmed and the cause remanded to that Court for further proceedings, and that the defendant in Error recover of the plaintiff Costs amounting to four dollars and ten Cents"

as by the inspection of the transcript of the record of the said Supreme Court, which was brought into the Supreme Court of the United States by virtue of a writ of Error agreeably to the Act of Congress in such case made and provided, fully and at large appears

And whereas in the present Term of October, in the year of our Lord one thousand eight hundred and seventy nine, the said cause came on to be heard before the said Supreme Court, on the said transcript of record, and was argued by Counsel: On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby reversed with costs; and that the said plaintiff in Error the First National Bank of Brunswick Maine recover against the said defendant

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U. S. Supreme Court, October Term, A.D. 1880. 4th Day of Term.

Continued

One Hundred and thirteen dollars and ninety eight cents for its costs herein expended and have execution therefor.

And it is further ordered that this cause be and the same is hereby remanded to the said Supreme Court with instructions to reverse the judgment of the District Court, and direct a judgment for the plaintiff on the facts found for such amount as shall appear to be due on the Coupons sued for

10th May 1880.

Now, therefore, we are hereby commanded that such execution and further proceedings be had in said cause in conformity with the opinion & judgment of this Court as according to right and justice, and the laws of the United States, ought to be had, the said writs of Error notwithstanding.

Witness the Honorable Morrison R. Waite Chief Justice of said Supreme Court, the twenty second day of May in the year of our Lord One Thousand eight Hundred and eighty

Costs P-pltff in Error
Clerk -- $ 93.98
Attorney -- $ 20.00
$ 113.98

} Taxed by James H. McKenney
Clerk of the Supreme Court
of the United States

Supreme Court U. S. October Term, 1879

Costs of the 1st National Bank of Greencastle
vs No. 269, 1877; ent. re 56; fil. re. 40, cit and serv 40;
brief and affp. 40, ass. of es 40; rec. 100 Oct. term affp. 21
rm 28, proc. 80. fil. pa. 80 ord 28, con 14. 1878 Oct T.
affp. 21. rm. 28. ord 28, con 14 1879. Oct T. affp 21, rm 28, rem 80,
pa 400, arg. 28, ren. 28; jud. 164 fil 40; rec pa. 56 ren and ren.
56, mand 5.98, fil. pa. 160 mf; cop of record 46.25; co. affp 6.00
co. and co. 56

$ 93.98

$93.98 Fee. both S. pa 113 Test Jas H McKenney C. S. C. U. S.

Rec'd pay't. deposit by L. G. Packard Esq
James H McKenney
C. S. C. U. S.

U. S. Supreme Court, October Term A.D. 1887. 2nd Day of Term.

Friday October 8th 1887

In the Supreme Court of Dakota Territory in the United States of America

First National Bank of Brunswick Maine plff
vs
The County of Ransom Defendant

} Notice of motion

To the above named defendant the County of Ransom Appellant

You will please to take notice that the above named Plaintiff & Respondent will at the next term of said Supreme Court, to be held at the Court House in the City of Ransom D. T. on Tuesday the 5th day of October A. D. 1880 at the hour of 10. o'clock of that day or as soon thereby as Counsel could heard move the Court for an order reversing the judgement of this Court entered on the 23d day of August 1876 and for an order for judgement in favor of the First National Bank of Brunswick Maine and directing the District Court in and for Ransom County D. T. to enter up judgment in favor of said First Nat. Bank of Brunswick Maine and against the County of Ransom in pursuance of the Mandate from the Supreme Court of the United States duly filed & in this Court, and for such other and further orders and mandates in the premises as may seem right and just

L. W. Packard & L. H. Ensher
Attorneys for First National Bank of Brunswick Maine

In the Supreme Court of Dakota Territory

First National Bank of Brunswick Maine
vs
The County of Ransom

} Motion

Now now comes the above named First National Bank of Brunswick Maine by L. H. Ensher one of its Attorneys and moves the Court

That the judgment of this Court entered in this [illegible] on the 23d of August 1876 recorded with costs and [illegible] with the Mandate from the [illegible]

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U. S. Supreme Court, October Term A.D. 1880. 4th Day of Term.

Friday October 8th 1880

the United States of America duly filed with the Clerk of this Court on July 6th 1880. and that this cause be remanded to the District Court in and for Yankton D.T. with instructions to said District Court to enter judgment for and in favor of the First National Bank of Brunswick Maine, on the facts found for such an amount as shall appear to be due on the Coupons sued on, and all costs incurred

S. H. Fuller
of Attorney for the said
First Nat. Bank of Brunswick Maine

United States of America } ss
The President of the United States of America
To the Honorable the Judges of the Supreme
Court of the Territory of Dakota Greeting

Seal of the Supreme Court of the United States of America

Whereas in the Supreme Court of Dakota the Territory of Dakota before you or some of you in a cause between the First National Bank of Brunswick Maine plaintiff in Error and the County of Yankton Defendant in Error wherein the judgment of the said Supreme Court entered in said cause was in the following words viz "And now this 23rd of August A.D. 1876 the writ of Error having been brought on for argument at the General Term of this Court and after hearing Counsel for the plaintiff in Error for, and Counsel for the defendant in Error against, it is adjudged that the judgment of the District Court be affirmed and the cause remanded to that Court for further proceedings, and that the defendant in Error recover of the plaintiff costs incurred to four dollars and ten cents as by inspection of the transcript of the record of the said Supreme Court, which was brought into the Supreme Court of the United States by order of a writ of Error agreeable to the Act of Congress in such case made and provided - fully and at large appears

And whereas in the present term of October in the year of our Lord One thousand eight Hundred and seventy nine the said cause came on to be heard before the said Supreme Court on the said transcript of record, and was argued by Counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause &c, and the same is hereby reversed with costs and that the said plaintiff in Error

U. S. Supreme Court, October Term A.D. 1880. 4th Day of Term.

Friday October 8th 1880

The First National Bank of Brunswick Maine Recover against the said Defendant One Hundred and Thirteen dollars and Ninety eight Cents for its costs herein expended and have execution thereof

And it is further ordered that this Court be and the same is hereby remanded to the said Supreme Court with instructions to reverse the judgment of the District Court, and direct a judgment for the plaintiff on the facts found, for such amount as shall appear to be due on the Coupons sued for

10th May 1880.

You therefor are hereby Commanded That such execution and further proceedings be had in said Cause in conformity with the Opinion and judgment of this Court as according to right and justice, and the laws of the United States ought to be had, the said writ of Error Notwithstanding.

Witness the Honorable Morrison R. Waite
Chief Justice of said Supreme Court
the twenty second day of May in the year of our Lord One Thousand Eight Hundred and Eighty

Costs of Plff in Error
Clerk $93.98
Attorney $20.00
$113.98

Issued by James H. McKenney
Clerk of the Supreme Court
of the United States

Supreme Court U. S.
Costs of the 1st National Bank of Brunswick in 267
1877: ent ac 56; fil ms 20 cit and ser 40. Bond and affr. 40.
Rec of ac 40; rec 100 October Term 1878 pp 21 re 28; fees 80.
fil pa 80, ord 28, Con 14. 1878. Oct T. 1878 pp 21 re 28 ord 28;
Con 14. 1879 Oct T. 1879 pp 21 re 28 fees 80 fil 1.00 Aug. 28
M. 28, fil 164 fil 40, rec pt 56 ms and ans 56; Mand 5.28
fil pa 1.60 Copy of record 66.25 Cs. of 400 cs and cs 56. $93.98
$93.98 Fee Book 1 pa 117 Test Jas H. McKenney
C. J. C. U. S.
Rec pay. deposit by J. W. Packard Dep
James H. McKenney
C. J. C. U. S.

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U. S. Supreme Court Oct. Term A.D. 1887. 4th Day of Term.

Friday Oct 8th 1886.

In Error to the Supreme Court of Dakota Territory

First Nat Bank of Brunswick Maine -vs- Co. of Jackson

Mandate filed

Judgment Order

Cited & Judgment Mandate filed 8th day of Oct A.D. 1886

S. A. Williams Clerk

Now on this eighth day of October A D 1886, the Mandate of the Supreme Court of the United States having been heretofore lodged in this Court reversing the judgment of this Court entered in this Cause on the 23rd of August A D 1876 and instructing this Court to direct the District Court in and for Jackson County D. T to enter a judgment for the plaintiff on the facts found for such amount as shall appear to be due on the Coupons sued for on motion of S. H. Fuller

S. H. Fuller Attorney for said plaintiff the First National Bank of Brunswick Maine in obedience to the judgment of the said Supreme Court of the United States and the terms of said Mandate it is ordered, adjudged by the Court that the judgment of the District Court in this Cause be and the same is hereby reversed with costs

And it is further ordered that this cause be and the same is hereby remanded to the said District Court with instructions to enter a judgment for the plaintiff on the facts found for such amount as shall appear to be due on the Coupons sued for, and that the plaintiff Recover of the said defendant costs amounting to Seven dollars twenty five cents and that the said District Court in and for Jackson County D. T. issue execution therefor with costs

By the Court
Peter C. Shannon
Chief Justice

Maria E Stevens
vs
Louisa E Gale et al } Motion and affidavit of E Parkhurst for leave to amend Sheriff's return.

(See motion on file)

U. S. Supreme Court, A. D. 18 . Day of Term.

No 1

U. S. Supreme Court Dakota Term A.D. 1880. 2d Day of Term.

Saturday October 9th 1880.

Court met at the Court Room in the City of Jamestown pursuant to adjournment.

Present

Honorable Peter C Shannon Chief Justice
" A.H. Barnes Associate Justice
" G.G. Wood " "
" Hugh J. Campbell U.S. Attorney

Warren Osborn Crier
L.H. Elliott Bailiff
B.A. Williams Clerk by E. Inmes Deputy

Court being duly opened the following proceedings were had.

United States of America
Supreme Court of
Dakota Territory } ss.

Be it remembered that on the 9th day of October in the year of our Lord One thousand Eight Hundred and eighty personally appeared before the Honorable Supreme Court of Dakota Territory for the Territory aforesaid John E. Maxwell an alien born above the age of twenty one years, and applied in open Court to be admitted to become a naturalized Citizen of the United States of America pursuant to the several Acts of Congress therefore passed on that subject. And the said John E. Maxwell having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several Acts of Congress, and the Court being satisfied as well from the oath of the said John E. Maxwell as from the testimony of William D. Russell, and Warren Osborn who are known to be Citizens of the United States, that the said John E. Maxwell has resided within the limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and

(Continued)

well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said John E. Maxwell resided therein and filed his declaration of intention as aforesaid

It Was Ordered, That the said John E. Maxwell be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to Victoria Queen of Great Britain whereof he was heretofore a subject, which said oath having been administered to the said John E. Maxwell by the Clerk of said Court in open Court it was ordered by the Court that the said John E. Maxwell be admitted to all and singular the rights, privileges and immunities of a Naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court under the Seal of said Court, which is done Accordingly

Peter C. Shannon Chief Justice

United States of America }
Territory of Dakota } ss.

In the Supreme Court
Writ of Error to the First Judicial District Court.

The United States
Defendant in Error } October Term
vs. 1880
Richard O. Adams
Plaintiff in Error

The Writ of Error herein coming on to be heard at this October A.D. 1880 Term of this Court. Present the Honorables P. C. Shannon, Chief Justice, & N. H. Bruce, & J. E. Moody Associate Justices. J. P. Kidder being necessarily absent and the same having been argued by Bartlett Tripp Esq. for the plaintiff in Error, and by E. Campbell Esq. United States Attorney for the Defendant in Error, and the Court having considered thereof and

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U. S. Supreme Court. October Term A.D. 1880. 5th Day of Term.

October 9th Continued

[illegible] concurring error in the record from the said First Judicial District Court in this Cause.

It is therefore this Ninth day of October One Thousand eight Hundred and Eighty All the said premises and the record herein being by the Court fully seen, now here considered, ordered and adjudged that the judgment of the said District Court within and for the said First Judicial District of Dakota Territory in said Cause of the United States against Richard C. Adams be and the same is hereby in all respects affirmed. And it is further ordered that this Cause with the record herein be remanded to the said First Judicial District Court, and that said District Court proceed therein to carry into effect the judgment heretofore given in said District Court as by law required.

By the Court

Peter C. Shannon

Chief Justice

Supreme Court D. T.

All the Justices present Concurring

The United States of America }
Territory of Dakota } ss.

In the Supreme Court
Appeal from the District Court of Lawrence County

Isaac W. French et al
Plff & Respondents
vs
Nimrod Lawrence et al
Defts & Appellants

} October Term 1880

This Action coming on to be heard at the October A.D. 1880 term of said Supreme Court at the Supreme Court room in the City of Yankton. Present the Honorable P. C. Shannon Chief Justice, & A. H. Barnes & P. C. Moody Associate Justices, J. P. Bridges being necessarily absent, and the Appeal herein having been argued by C. D. Pierce & Thomas Wood Esqrs for the Appellants and by A. H. Purdle Esq for the respondents and the Court

hearing advised thereon. It is now here considered ordered and adjudged that the judgment of the said District Court within & for said Lawrence County, appealed from herein be and the same is hereby reversed, and that a New Trial of said Action be had in the District Court. And it is further ordered that this Cause be, & it is hereby remanded to the District Court for further proceedings according to Law, & the judgment of this Court.

And it is further considered and adjudged that neither party have or recover of the other any costs or disbursements on this appeal

By the Court
Peter C. Shannon
Chief Justice
Supreme Court D. T.

October 9th 1880

Justice Barnes Concurring
Justice Moody (Concurring) Dissenting

United States of America }
Territory of Dakota } ss.

In the Supreme Court
October Term A.D. 1880

Appeal from the District Court of Minnehaha County

Robert Nation et al
Respondents

vs.

Silas L. Cameron
Appellants

This Action coming on to be heard at the October A.D. 1880 Term of said Supreme Court at the Supreme Court Room in the City of Yankton, Present the Honorable P. C. Shannon Chief Justice, and A. H. Barnes, & J. C. Moody Associate Justices. Justice J. D. Kidder being previously absent, and the Appeal herein having been argued by counsel for the

for the Appellant and by Wm Wells Esq for the respondents and the Court having advised thereon

It is now on this 9.th day of October 1880 here considered Ordered and adjudged, that the judgment of the said District Court within and for said Minnehaha County appealed from herein and the same is hereby reversed —

And it is further ordered that this Petition be and it is hereby remanded to the District Court within and for said Minnehaha County with directions to sustain said defendants demurrer to plaintiffs Complaint, and to allow plaintiff to plead over, and that further proceedings be had in said Petition according to law.

It is further ordered, adjudged that the said Appellant have and recover of and from the said respondents his Costs and disbursements in their behalf expended, taxed and allowed at Ten ($10.00) Dollars and Ten Cents

By the Court
Peter C. Shannon
Chief Justice
Supreme Court D. T.

Justice Moody Concurring —
Justice Barry Dissenting —

U. S. Supreme Court. October Term A. D. 1880. 6th Judicial Term.

Monday October 11th 1880.

Court met pursuant to adjournment

Present

Hon Peter V. Sherman Actg Chief Justice
" G. G. Moody Associate "
Hugh J. Campbell U.S Attorney
Warren Olbon Crier
L. H. Elliott Bailiff
B. S. Williams Clerk by E. Prince Deputy.

And now in consequence of the absence of Associate Justice Barnes & Ridder Court is ad. journed until ~~Monday~~ Tuesday October 12th 1880. at 10 o-clock A.M. of said day

U. S. Supreme Court, October Term A.D. 1880. 4th Day of Term.

Tuesday October 12th 1880

Court met pursuant to adjournment.

Present

Hon Peter C Shannon Chief Justice.
" G C Moody Associate "
" J P Kidder "
" Hugh J Campbell U S Attorney
John B Raymond U S Mr. by C O Edmunds Dep
L H. Elliott Bailiff
B S Williams Clerk by E Turner Dep.

Geo N Whittenden. Respondent
vs
James W. Phillips
Appellant

The above cause being called and continued until next term by consent.

The Sycamore Marsh Harvester Manufacturing Company
vs
R. R. Clary.

The above cause being called, and no one appearing by Order of Court. it is Continued until the next term.

Territory of Dakota on the relation of Frank J Edmunds
vs
Peter C Shannon

Motion to continue until next term

The above motion coming on to be heard. is argued by Mess Dewey & French for, and by Gamble & Spink Contra. Motion denied by the Court.

And now comes Messrs Dewey & French with argument for Appellant in the above cause and Messrs. Gamble and Spink for the Respondents.

U. S. Supreme Court, October Term A. D. 1880. 7th Day of Term.

Tuesday October 12th Continued

Territory of Dakota ex rel
Francis J. Eisenmann
vs
Peter Shannon

The above cause being called and notice not given as required by the Rules of this Court it is continued until the next term.

Territory of Dakota ss
In Supreme Court.
George Redfern
Appellant
vs
Bernard Silyan
Respondent
October Term 1880
Motion to dismiss

And now comes the defendant the Respondent herein and by his attorney moves the Court for an order dismissing the appeal herein and for the costs of this motion.—
And submits herewith to the Court as grounds thereof the annexed affidavit
Oct 5th 1880
Bartlett Tripp & S. A. Bogle
attys for Respondent

To H. E. Dewey atty for Appellant.
You will take notice that the above motion will be made to the Court on the opening thereof Oct 5th 1880 or as soon thereafter as counsel can be heard.—
Oct 5th 1880.
Bartlett Tripp of Respondent Atty

And now, October 12th, 1880, upon consideration, it is Ordered, that the appeal herein be dismissed, without prejudice to a new appeal
By the Court
Peter C. Shannon Chief Justice

Territory of Dakota ss
In Supreme Court
The Council Bluffs Iron Works
Appellant.
vs
D R Sylvester
Respt
Oct Term 1880
Motion to dismiss

And now comes the respondent by his attorney and refers to appellant's records submitted

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In the Supreme Court October Term A.D. 1880. 7th Day of Term.

Tuesday October 12th 1880 continues

and the record of this case and move the Court for an Order dismissing this appeal and for the costs of this motion.

Bartlett Tripp & Oliver Shannon

Attys for Respondent.

To Gamble Bros Attys

for Appellant

Take notice that the above motion will be made of the Court on the opening thereof Oct 5th 1880 or as soon thereafter as counsel can be heard.

Yours &c Bartlett Tripp of

Respondents Counsel.

Territory of Dakota. S.S.

In Supreme Court.

The Council Bluffs Iron Works Appellant

vs

D. R. Sylvester

Respondent

Motion to dismiss

The foregoing motion to dismiss having come on to be heard at a general term of this Court held at the Court House in the City of Yankton, Yankton County D.T. on the 5th day of October A.D, 1880. and the Court having listened to argument of Bartlett Tripp Esqr of Counsel for respondent in favor of the motion and J.R. Gamble Esqr appearing on the part of appellant and not opposing the same and the Court being fully advised in the premises.

It is Ordered that said motion be allowed, and that the appeal herein be and the same is hereby dismissed at the costs of appellants. and it is further ordered that a copy of this order be remitted to the Court below and there entered of record in this action

Done the 12th day of October 1880

By the Court

Peter C Shannon

Chief Justice

B. J. Williams

Clerk

Tuesday October 12th Continued

United States of America }
Territory of Dakota } ss.

In the Supreme Court October Term A.D. 1880

Appeal from the District Court of Hand County
The Territory of Dakota on the relation
of Frank J Eisenmer Respondent
vs
Peter Shreeve Appellant

This appeal coming on to be heard at the October A.D. 1880. Term of said Supreme Court at the Supreme Court room in the City of Yankton. Present the Honorable P. C Shannon Chief Justice & J. P. Ridder & G. G Woody Associate Justices. Justice A. H. Barnes being absent. and having been argued by Messrs Dewey & French for the appellant. Messrs Gamble & Spink. appearing for said Respondent, and the Court having advised thereon. It is now on this 12th day of October A.D. 1880. here considered ordered and adjudged that the judgment & decision of the said District Court in this cause for said Subdivision & of the proceedings had and the same is hereby in all things Affirmed. — And said cause & proceedings be remanded to the said District Court for further proceedings according Dcur. —

It is further ordered & adjudged that the said respondent have and recover of and from the said appellant the costs and disbursements in this behalf Expended taxed and allowed at Seven dollars & forty five Cents.

By the Court
Peter C. Shannon
Chief Justice
Supreme Court D.T.

All the Justices present Concurring

Attest

D. F. Williams
Clerk

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III. J. Supreme Court. October Term A.D. 1880. 7th Day of Term.

Tuesday October 12th 1880 Continued

Supreme Court
Territory of Dakota } October Term, 1880.

On this 12th day of October A.D. 1880. comes Hugh J. Campbell Esqr United States Attorney for the Territory of Dakota and for the First Judicial District D.T. and presents the account of J.W. Aldeen a Commissioner of said Court in and for the First Judicial District of Dakota Territory in open Court for the examination and consideration thereof, the Court being satisfied that the Services therein charged have been actually and necessarily performed as therein stated and that the said account is just & true according to law, the same is in every respect approved as therein stated and for the amount of Fifty Seven and 00/100 dollars

By the Court
Peter C. Shannon
Chief Justice, and Presiding Judge

Supreme Court
Territory of Dakota } October Term 1880.

And now this 12th day of October A.D. 1880, in open Court, the United States Attorney presents the foregoing account and it appearing to the Court upon Satisfactory proof, that the said account is correct and according to Law; and that the Services therein charged for were necessarily and actually performed.

It is ordered that the said account amounting to Fifty five Dollars be and the same is hereby approved

Peter C. Shannon
Chief Justice

Tuesday October 12th 1880

Territory of Dakota
In Supreme Court

Isaac W. French et al
vs
Ormond Lancaster et al
Defts & Appellants

It is hereby stipulated and agreed by and between the parties to this action that a Stay of Proceedings be granted herein for forty (40) days from the date of the judgement in the Supreme Court.

A D Thomas Atty for Appellants
Oct 9th 1880

Gamble Bros
Attorney for Respondents.

On the above Stipulation it is hereby ordered that the proceedings in this cause be Stayed in accordance with the above Stipulations, and the Clerk of this Court is directed not to issue the order or Procedendo of this Court to the Clerk of the District Court of Lawrence County until the expiration of forty days from the 9th day of October 1880.

Done in Open Court this 12th day of October 1880
By the Court
Peter C. Shannon
Chief Justice.

District of Dakota. ss.

In the United States Supreme Court for said District, at a Term thereof begun & held at Deadwood on this 5th day of October 1880. Present. The Honorable P C Shannon Chief Justice presiding the following orders were made and entered of record, viz:

Whereas. Jno B. Raymond, United States Marshal has returned to this Court an account for services of prisoners in the Dakota District from the 10th day of June 1880. with the vouchers and items thereof, and it is the duty of Hugh J Campbell, United States Attorney, to prosecute said account to the Satisfaction of this Court, that the requirements, Charges have been fully complied with and Whereas said Charges & items are to be examined & passed upon

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U. S. Supreme Court Dakota Term A.D. 1880. 7th Day of Term.

Tuesday October 12th Continued

To Wit — It is hereby ordered that the said account amounting to Nineteen Hundred and fifty five dollars & twenty five cents be and the same is hereby approved.

By the Court
Peter C. Shannon
Chief Justice

District of Dakota ss.

In the United States Supreme Court for the said District, at a term thereof begun and holden at Yankton on the Fifth day of October 1880. — Present the Honorable P. C. Shannon Chief Justice Presiding the following order was made and entered of record, to wit.

Whereas Jno B Raymond United States Marshal has rendered to this Court an account of his disbursements for fees of Witnesses in 1st Judicial District Previous to June 30th 1880, to close fiscal year, with the vouchers & items thereof and in the presence of Hugh J Campbell United States Attorney, has proved on oath to the satisfaction of the Court that the disbursements charged have been fully paid in lawful money: and Whereas said charges appear to be just and according to Law — It is hereby ordered that the said account amounting to One Hundred & forty two dollars and eighty Cents be and the same is hereby approved

By the Court
Peter C. Shannon
Chief Justice

District of Dakota Territory ss

In the United States Supreme Court for the said District at a term thereof begun and holden at Yankton on the Fifth day of October 1880.

Present the Honorable P. C. Shannon Chief Justice presiding the following order was made and entered of record, to wit;

Whereas, Jno B Raymond, United States Marshal, has rendered to this Court an account of his fees and expenses for serving process in the First District previous to the third day of June 1880 to close fiscal year, with the vouchers & items thereof and in presence of Hugh J Campbell, United States Attorney, has proved on oath to the satisfaction of the Court, that the services and travel therein charged, were rendered actually and necessarily performed as therein stated and that the disbursements charged

have been fully paid in lawful money: and whereas said charges appear to be just and according to law—

It is hereby ordered that the said account amounting to One Hundred and fourteen dollars and fifteen cents, be and the same is hereby approved.

By the Court
Peter C. Shannon
Chief Justice

District of Dakota Territory: ss.

In the United States Supreme Court for said District, at a term thereof begun and held at Yankton on the fifty day of October 1881 Present: the Honorable Peter C. Shannon Chief Justice Presiding Judge, the following order was made and entered of record, to wit:

Whereas. Jno B Raymond United States Marshal, has rendered to this Court an account of his disbursements for serving process issued at and previous to the adjourned Nov term 1880. of the United States District Court, at Yankton with vouchers and items thereof, and in presence of Hon Hugh J Campbell United States Attorney, has proved on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful Money: and whereas said charges appear to be just and according to law—

It is hereby ordered that the said account, amounting to Eleven hundred and fifty three dollars and thirty five cents, be and the same is hereby approved.

By the Court
Peter C. Shannon
Chief Justice.

And now Court is adjourned until tomorrow (Oct 13th) at 11 o-clock in the forenoon

By the Court

Attest B S Williams
Clerk

U. S. Supreme Court. Dakota Terr. A.D. 1880. 8th Day of Term.

Wednesday October 13th 1881

Court met at the Court Room in the City of Yankton D.T.
pursuant to adjournment

Present

Hon Peter C. Shannon Chief Justice.
John B. Raymond by Warren Adsit

Bailiffs

B. S. Williams Clerk by E Haines Dep'ty

And now in consequence of the absence of the associate Justices this Court is adjourned until Wednesday the 29th day of December AD 1880. at 11 o clock in the forenoon

Peter C. Shannon
Chief Justice

Attest

B. S. Williams
Clerk

U. S. Supreme Court, October Term A.D. 1880. 3rd Day of Term.

Wednesday December 29th 1880.

Court met pursuant to adjournment

Present

Hon Peter C Shannon Actg Chief Justice
John B. Raymond Jr Marshal by Warren Osborn

B. S. Williams Clerk

And now December 29th 1880 it being the day to which this Court was heretofore regularly adjourned, — None of the associate Justices being in attendance, it is ordered by the Chief Justice, that the Court be adjourned to Thursday the 13th day of January A.D. 1881 at 11. o'clock in the forenoon — at which time it is further ordered that the Court be held in the Rooms of the Law Library in the Pennington Block in the City of Jamestown D.T.

Peter C. Shannon
Actg Chief Justice

Attest B. S. Williams
Clerk

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adjourned

11. 11 ... 1850. 10th day of June.

Tuesday January 13th 1851.

Court met pursuant to last Adjourn Present Benjamin Williams Esq Clerk Peter G. Stevenson Esq Chief Justice D.J. Spencer Esq Assistant Justice

Present

Hon Peter G. Stevenson Chief Justice

" Daniel J. Spencer Assistant Justice

Isaac D. Rogers Esq Sheriff Wm S Martin Esq Attorney

B. S. Williams Clerk

In consequence of the absence of the associate Justices and no business being presented the Court is adjourned without day

B. S. Williams
Clerk

Peter G. Stevenson
Chief Justice

U. S. Supreme Court,

A. D. 18 .

Day of Term.

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U. S. Supreme Court. Terr. Dak. A.D. 1881. 10th Day of Term.

Tuesday May 10th 1881.

Be it remembered that on this 10th day of May A.D. 1881. the Supreme Court for the Territory of Dakota met at the Court Room in the City of Yankton D.T. pursuant to Law—

Present

Hon Peter C Shannon Chief Justice
Hon B. Raymond W. S. Jn. by Warren Osborn
Hugh Campbell U.S. Attorney
P. P. Edwards & Charles Gray Bailiffs
B S Williams Clerk

And now May 10th 1881. it being the day established by Law, for the Convening of the Supreme Court of Dakota Territory. - And none of the Associate Justices being present It is Ordered.- That the May Term A.D. 1881. of the Supreme Court of Dakota be, and it is adjourned until Thursday the 12th day of May A.D. 1881. at 11 o-clock in the fore noon of said day.

Attest

B. S. Williams
Clerk.

Peter C. Shannon
Chief Justice

U. S. Supreme Court, May Term A.D. 1881. 2nd Day of Term.

Thursday May 12th 1881

Court met pursuant to adjournment.

Present

Hon Peter C Shannon Chief Justice
Hugh J Campbell U S Attorney
John B Raymond U.S.M. by Warren Osborn
& P. Edmunds & Chas Grey Bailiffs
B S Williams & Clerk

And now May 12th 1881.

In consequence of the absence of the Associate Justices of this Court — It is ordered by the Hon Chief Justice Shannon that the May Term 1881. be, and it is hereby adjourned until Monday the 16th day of May A.D. 1881 at 11. o clock in the forenoon of said day

Peter C. Shannon
Chief Justice

Attest B S Williams
Clerk

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U. S. Supreme Court. May Term A.D. 1881. 3rd Day of Term.

Monday May 16th 1881.

Court met at the Court Room in the City of Jamestown D.T. pursuant to adjournment.

Present.

Hon Peter C Shannon Chief Justice
" J P Rieder Associate "
" S A Hudson " "
" Hugh Campbell U S Attorney
John B. Raymond U.S. Mr. by Warren Osborn
C P Edmunds Bailiff
B S Wilkinson Clerk

Court being duly opened the following proceedings were had;
S. A. Hudson having been duly Commissioned as Associate Justice, presents Secretary of Dakota } his oath of office duly taken and takes his seat on the bench
for Supreme Court } (See copy of Oath on 2nd Page from this).

In the matter of the admission of John T. Nethery Esqr as an Attorney and Counsellor of Said Court

And now on this 16th day of May A.D. 1881 being the Third day of Said May Term of Said Court. it is open Court comes Alfred D Shannon Esqr an attorney of this Court, and moves the Court that John T. Nethery Esqr who has heretofor been admitted to practice in the District Courts of Said Territory, and who is a resident of this Territory, be admitted an Attorney and Counsellor of this Court and licensed to practice therein according to Law and the rules of this Court.

Alfred D. Shannon.

On presentation of the above motion in Open Court, and on consideration thereof it is ordered by the Court that Said motion be, and the Same is hereby granted, and it is further ordered that Said John T. Nethery Esqr be and he is hereby admitted an Attorney and Counsellor of this Court and accordingly licensed to practice in this Court according to Law and the rules of this Court. and it is further ordered that the oath prescribed by Law be administered in open Court to Said applicant. which is accordingly done this 16 day of May A.D. 1881

By the Court
Peter C. Shannon
Chief Justice

Territory of Dakota }
In Supreme Court } May Term A.D. 1881.

In the matter of the admission of Walter H Scarborough Esqr as an attorney & Counsellor of this Court.

And now on this 16th day of May A.D. 1881. being the third day of said Term of said Court pro forma this Court comes Alfred D Thomas Esqr an attorney of this Court, and moves the Court that Walter H Scarborough Esqr a practicing attorney of the State of Minnesota and a resident of Saint Paul, having business before this Court be admitted an attorney and counsellor of this Court and licensed to practice therein according to law and the rules and practice of this Court.

Alfred D Thomas

On presentation of the above motion, in open Court, and on consideration thereof, it is ordered by the Court, that said motion be and the same is hereby granted, and it is further ordered that said Walter H Scarborough Esqr, be and he is hereby admitted an attorney and counsellor of this Court, and accordingly licensed to practice in this Court according to law and the rules and practice of this Court and it is further ordered that the oath prescribed by law be administered to said applicant in open Court to said applicant which is accordingly done this 16th day of May A.D. 1881.

By the Court
Peter C Shannon
Chief Justice

Charles S Galloway et al
Respondents
vs
John A McGeen et al
Appellants
} No 88
Appeal from the District Court of Brookings County

The above cause coming on to be heard is now argued by W H Scarborough Esqr one of the attorneys for the appellants, and now by John A Wakely Esqr for Respondents.

And now at 6 o'clock P.M. Court is adjourned until 10 o'clock A.M. Tuesday the 17th day of May 1881.

Test
B J Williams
Clerk

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[illegible] Supreme Court Dist. Terr. [illegible] 1861. 24th Day of Jan
[redacted] Monday, May 6th 1861 Sessions

United States of America
Territory of Dakota } ss

Before me the Subscriber
[illegible] Justice of the Supreme Court of the Territory of
Dakota, personally appeared Sanford A Hendson Associat
Justice of the Supreme Court of said Territory, who took
and subscribed the following oath, duly administered by
me, as follows:-

"I Sanford A. Hendson do Solemnly
swear, that I have never Voluntarily borne Arms against the
United States since I have been a citizen thereof; that I
will not cheerfully give aid, countenance, counsel, or
encouragement to persons engaged in armed hostility
thereto: that I have neither sought nor accepted, nor
attempted to exercise the functions of any office whatever,
under any authority, or pretended authority, in hostility to
the United States; that I have not yielded a voluntary sup
port to any pretended government, authority, power
or Constitution within the United, hostile or insurrec
tionary. And I do further swear, that to the best of my
knowledge and ability, I will support and defend
the Constitution of the United States against all en
emies foreign and domestic: that I will bear true
faith and allegiance to the same; that I take this
obligation freely, without any mental reservation or
purpose of evasion, and that I will well and faithfully
discharge the duties of the office on which I am
about to enter.

So help me God.

Sanford A. Hendson

Sworn to and Subscribed this 14th day of May
A.D. 1861 before me at the City of Yankton D.T.

Peter C Shannon
Chief Justice of the
Supreme Court of Dakota Territory, and Judge of
the Second Judicial District, D.T.

I do hereby certify that the above oath
was duly administered by me and taken by the said
Sanford A. Hendson, under his Commission
from the President of the United States, dated the

U. S. Supreme Court, Irwin Term A.D. 1881. 2nd Day of Term.

Continued

Sixth day of May A.D. 1881 Commissioning him as Associate Justice of the Supreme Court of said Territory — and the same is duly transmitted to the Secretary of the said Territory, to be by him recorded, — all of which is done in pursuance of Section 1878 of the Revised Statutes of the United States, etc :—

Witness my hand, at the City of Yankton, D.T. this 14th day of May A.D. 1881

Peter C Shannon
Chief Justice of Supreme Court of Dakota, etc.

And now this 16th day of May A.D. 1881. Court is adjourned until tomorrow morning at 10 o-clock in the forenoon of said day:

Attest B L McKinney
Clerk

Tuesday May 17th 1881

Present

Hon Peter C Shannon Chief Justice.

" J. P. Kibler Associate

" A. J. Henderson "

" Hugh J. Campbell U S Attorney

Hon B Maynard U. S. M. by Warren Olsen

W. P. Edmunds Bailiff

B. F. Williams Clerk.

The Court being duly opened & cases called and the Attorneys not being present and no business being presented to the Court, it is ordered that the Court be adjourned until Wednesday the 18th day of May 1881 at 9 o'clock a.m. this forenoon of said day

Filed B. F. Williams
Clerk.

By the Court

Wednesday May 18th 1881.

Court met pursuant to adjournment.
Present

Hon Peter C. Shannon Chief Justice
" J P Kidder Associate "
" S A Hendson "
Hugh J Campbell US attorney.
Jno B Raymond U.S. Mr. by Warren Osborn
& P Edmunds Bailiff
B. L Williams Clerk

The Court being duly opened the following proceedings were had.

Territory of Dakota } May Term A.D. 1881.
In Supreme Court }

In the matter of the admission of Daniel
M Laughlin Esqr as an Attorney & Counsellor of Said Supreme Court.

And now on this 18th day of May A.D 1881, being the fifth
day of said May term of Said Court comes A. D. Thomas
Esqr an attorney of this Court and moves that D M Laughlin
Esqr who has heretofore been admitted to practice in the District
Courts of said Territory and who is a resident of this Territory
be admitted an attorney and Counsellor of this Court and
licensed to practice therein according to law and the rules
and practice of this Court

A. D. Thomas
Attorney Supreme Court

On presentation of the above motion in open Court and on
consideration thereof. It is ordered by the Court that said
motion be and the same is hereby granted, and it is
further ordered that said D M Laughlin Esqr be and
he is hereby admitted an attorney and Counsellor
of this Court and accordingly licensed to practice
in this Court according to law and the rules and
practice of this Court. and it is further ordered
that the Oath prescribed by law be administered in
open Court to said applicant. Which is accordingly
done this 18th day of May A.D. 1881

By the Court
P C Shannon
Chief Justice

U. S. Supreme Court. Term — Term A.D. 1881. 5th Day of Jan.

Wednesday May 18th Continued

Territory of Dakota }
In Supreme Court } May Term A.D. 1881

In the matter of the admission of Moses Sivernan as an Attorney and Counsellor of Said Supreme Court.

And now on this 18th day of May A.D. 1881. being the fifth day of Said May Term of Said Court, comes Alfred D Thomas Esqr an Attorney of this Court, and moves that Moses Sivernan a practicing Attorney in the District Courts of this Territory and a resident thereof be admitted an Attorney and Counsellor of this Court and licensed to practice therein according to law and the rules and practice of this Court.

A. D. Thomas
Attorney Supreme Court,

On presentation of the above motion in open Court and on consideration thereof it is ordered by the Court that said motion be and the same is hereby granted and it is further ordered that said Moses Sivernan be, and he is hereby admitted an Attorney and Counsellor of this Court and accordingly licensed to practice in this Court according to law and the rules and practice of this Court, and it is further ordered that the oath prescribed by law be administered in open Court to said applicant which is accordingly done this 18th day of May A.D. 1881

By the Court
Peter C Shannon
Chief Justice.

Territory of Dakota }
Supreme Court } May Term, 1881.

Charles A Galloway and Hugh McGarvey, Copartners. Respondents } No 88.
vs
John A McLean and James S. Pindlen, Copartners. Appellants }

This action coming on to be heard at this term of said Court at the Court room in the City of Yankton — Present the Chief Justice, and Associate Justices Bennett, Edgerton and Bonnifield, and after hearing Mr W. H. H. Sweetman, Counsel for the appellants, and Mr Whitney of the firm of Mahoney & Whitney, of Counsel for

N. D. Supreme Court, May Term A.D. 1881. 18th Day of May.

Continued

the Respondent, and the Court having advised thereon. it is now here considered, ordered & adjudged, that the appealed from herein, be & the same is hereby reversed and a new trial ordered, and it is further ordered, that this cause be & it is hereby remanded to the said District Court within & for said Burleigh County, to be there proceeded with according to Law and it is further ordered & adjudged, that the said appellants have & recover of & from the said respondents their costs and disbursements in this behalf expended taxed and allowed at Ten Dollars & Seventy cents. ($10 70)

Done in open Court this 18th day of May A.D. 1881.

By the Court

Peter C. Shannon

Chief Justice

All the Justices present at the hearing Concurring —

In the above cause, Opinion by Shannon C.J. was read and filed in open Court. this 18th day of May A.D. 1881.

Territory of Dakota }
In Supreme Court } No. 77.

Maria E. Stevens
appellant
vs
Louisa E Gee et al
Respondents.

This action being upon the regular Calendar of this Court for the October Term A.D. 1880, and the respondents by their attorney Bartlett Tripp Esqr having appeared at said Term on the 6th day of October 1880 and served and filed his motion to dismiss the appeal herein upon the ground that no appeal lies to this Court from an order denying a motion for a new trial, except upon an appeal from the final judgment, and such motion being heard by the Court upon the argument of Bartlett Tripp Esqr. for the motion & dismiss and C Partridge Esqr Contra and pending the decision of such motion & dismiss, the appellant by her attorney C Partridge Esqr moved on the 8th day of October A.D. 1880 & filed & the Court by her written motion for leave

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N. S. Supreme Court Sitting in Term A.D. 1881. Day of Term

Wednesday 19th day May

Application to amend notice of appeal so as to make it a notice of appeal from the final judgment rendered in the action as well as a notice of appeal from the order denying a motion for a new trial- and such motions having been argued by Mr E Parkinson in support of the motion and by Mr Bartlett Q.C. Contra, - The Chief Justice Chesman Mr Justice Weedy and Mr Justice Barnes- being present and hearing both of said motions- Mr Justice Ritchie not being present- and the Court desiring to advise in the premises.- the said motions were accordingly stood over for advisement- And now at this regular Term of said Court A.D. 1881. present the Honorable Peter C Shannon Chief Justice and the Hons J.W. Ritchie & J.A. Henderson Associate Justices. the Honorable G.E. Weedy not being present- and the said Causes coming on its regular order on the Calender for hearing and no decisions having been made or entered of said motions and the respondents appearing and demanding a determination thereof, and the Court having heard Mr Bartlett Q.C. in favor of said motion to dismiss and against said motion to amend the notice of appeal and no one appearing Contra, - and being fully advised in the premises. it is accordingly by this Court Ordered that the said motion or application of the appellant for leave to amend her said notice of appeal be and the same is hereby denied- and it is further ordered that the respondents motion to dismiss the appeal in this action be and the same is granted and allowed- and the said appeal is hereby dismissed- And it is further ordered and adjudged that the respondents have and recover of the appellant Annie E. Stevens their Costs. taxed and allowed at Twenty Dollars and forty five cents. ($20 45)

By the Court
Peter C. Shannon
Chief Justice

All the Justices present
Concurring.

To which said rulings of the Court the appellant has leave & except within thirty days from notice thereof.

By the Court
Peter C. Shannon
Chief Justice

In the above Cause. Opinion by Shannon C.J. was read and filed in open Court this 18th day of May A.D. 1881.

George N. Whittenden
Respondent
vs
James M. Phillips and
Maria Phillips. Appellants

In Supreme Court
Territory of Dakota
May Term 1881.

This cause coming on for trial
Alexander Hughes counsel for respondent, appeared in open court
and moved to dismiss the appeal on the grounds that the record
is not certified to by the Judge of the Court from which the
appeal is taken and the certificate of the Clerk of said Court
is irregular and defective, and this Court being fully advised
in the premises: Ordered that the appeal in this action
be dismissed at the costs of the appellants, without prejudice,
however to another appeal, with direction to the Judge below
to settle and certify a bill of exception nunc pro tunc
as of this 1st day of July 1880.
May 18th 1881.

By the Court
Peter C. Shannon
Chief Justice

In Supreme Court)
Territory of Dakota)

The Sycamore Woolen
Manufg Co
Appellant
vs
R. R. Maj. Respondent

And now on this 18th day of May
A.D. 1881 came Gamble Brothers of counsel for appellant and
move the Court that the above cause be continued to the next
term of this Court to be held &c. October term thereof.

Gamble Brothers
of counsel for Appellants

And now comes day the above motion coming on
to be heard and after hearing Gamble Brothers for the same
and no one appearing in opposition thereto and after
consideration thereof the same is granted

By the Court
Peter C. Shannon
Chief Justice

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U. S. Supreme Court. Terry Term A.D. 1881. 5th Day of Term.

Wednesday May 18th Continued

Territory of Dakota and
Frank J. Eisenman
Rlf Resp
vs
Peter Shearer Appellant

The above cause being called and the Attorneys being present, to wit: Mr French & C J Gamble
Cause is continued until next Term of this Court.

Territory of Dakota
On Supreme Court of said Territory.
Robert S Thomas
vs Appellee
John Treadway and
Daniel H. Treadway
Appellants

Terry Term 1881.

It is hereby Stipulated and agreed by and between the parties to the above entitled action, that said action be and the same is hereby continued from the May 1881 Term of said Supreme Court to the next Term of said Court.

Campbell & Searle
Appellants Attorneys
Phil S. Landis
Atty for Appellee

Dated Terry 1st 1881.

The Saint Croix Lumber
Company Appellants.
vs
John L. Pennington
Respondent

The above cause being called
it is continued by consent in open Court.

U. S. Supreme Court, May Term A.D. 1881. 5th day of Term.

Wednesday May 18th Continued

Thomas R Jones
Appellant
vs
Nicodemus Matthiessen
Respondent

No 92
Appeal from the District Court of Lawrence County.

The above cause being called on motion of Jno Thomas, Atty. for appellant (no one appearing for Respondent) case continued to the next Term of this Court.

Golden Fleece Mining Company
Appellant.
vs
Alfred J. C. Inahler, Charles Spencer, Frank J. Norton & others
Respondents

No 91

The above cause being called, by consent of Counsel in Open Court. (Jo W. Thomas & W. McGlaughlin) case continued to the next Term.

May 18th 1881
And now here Court is adjourned until tomorrow morning at 10 o'clock on the forenoon of said day.

Attest
R. L. Williams
Clerk

U. S. Supreme Court. May Term A.D. 1881. 6th Day of Term.

Thursday May 19th 1881

Court met at the Court Room in the City of Jeff. Dn. pursuant to adjournment.

Present

Hon Peter C Shannon Chief Justice
Hugh J Campbell U S Attorney
John B. Raymond U S Marshal by C P Edmunds Dep.
Warren Osborne Spec
B. S. Williams Clerk

Court being duly opened— And Associate Justices Riddle & Henderson not appearing. Having gone to their respective District Courts— It is now ordered by Hon Peter C. Shannon Chief Justice that this Court be adjourned until Friday May 20th A.D 1881 at 11 o- clock A. M.

Peter C. Shannon
Chief Justice

May Term A.D 1881
Friday ~~Saturday~~ May 20th 1881.
7th day of Term

Court met pursuant to adjournment.

Present

Hon Peter C. Shannon Chief Justice
Hugh J Campbell U S Attorney
John B Raymond U.S. Marshal by Warren Osborne Dep.
C P Edmunds
Bailiff
B S Williams Clerk

The Associate Justices being absent. Court is adjourned until Saturday May 21st 1881 at 11. o- clock in the forenoon of said day.

Attest B. S. Williams
Clerk

Peter C Shannon
Chief Justice

U. S. Supreme Court. May Term A.D. 1881. 8th Day of Term.

Saturday May 21st 1881.

Court met pursuant to adjournment.

Present &c

Hon Peter C Shannon Chief Justice.

" Hugh J Campbell U.S Attorney

John B Raymond U.S Marshal by Thomas Adams Dep.

& P. Edmunds Deputies

B S Williams Clerk

The Associate Justices being absent, Court was adjourned until Wednesday the 25th day of May AD 1881 at 11 o'clock in the forenoon of said day

Peter C. Shannon
Chief Justice

Attest B S Williams
Clerk

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III. U. Supreme Court. May Term A.D. 1881. 5th Day of Term.

Wednesday May 25th 1881

Court met at the Court Room in the City of Jackson D.C. pursuant to adjournment.

Present

Hon Peter C Shannon Chief Justice
" Joseph Campbell W Sullivan
" John B Pennington Wm S Marshel by Warren Adams Dep-
C P Edmunds Bailiff
B S Williams Clerk

The Court being duly opened the following proceedings were had.

Isaac N French et al
vs Respondents
Nimrod Lancaster et al
Appellants

} On the above action, Opinion of Court by Moody Justice, was read and filed in open Court by Shannon Chief Justice.

John B Preston
vs Respondent
Morton & Post
Appellant

} On the above action Opinion of Court by Moody Justice, was read and filed in open Court, by Shannon, C. Chief Justice

United States
Defendant in Error
vs
Richard O. Adams
Plaintiff in Error

} On the above action, Opinion of Court, by Moody Justice, was read and filed in open Court, by Shannon Chief Justice.

And no further business appearing this Court is adjourned without day.

Attest B S Williams
Clerk

Peter C Shannon
Chief Justice

W. S. Supreme Court, A. D. 18 . Day of Term.

U. S. Supreme Court. October Term A.D. 1881. 1st Day of Term.

Tuesday October 4th 1881.

Be it Remembered that on this 4th day of October A.D. 1881 it being the first Tuesday of October A.D. 1881 the Honorable Supreme Court of Dakota Territory met at the Court Room in the City of Yankton D.T. pursuant to Law.

Present Hon Peter C Shannon Chief Justice
" " L.B. Moody Associate
" " J.P. Rideler "
Hugh J. Campbell U.S. attorney
John B. Raymond U.S. Marshal by E.P. Edmunds
Warren Osborn Clerk & Deputy
B.S. Williams Clerk

The Court being duly opened the following proceedings were had:

Territory of Dakota }
In Supreme Court } October Term A.D. 1881.

In the matter of the admission of H.C. Kingsley Esq as an Attorney and Counsellor of Said Supreme Court.

And now on this 4th day of October A.D. 1881, being the first day of said October Term of said Court comes Alfred D. Thomas Esq an Attorney of this Court and moves that H.C. Kingsley Esq who has heretofore been admitted to Practice in the District Courts of said Territory and who is a resident of this Territory be admitted an Attorney and counsellor of this Court and licensed to practice therein according to law and the rules & practice of this Court.

A.D. Thomas
Attorney Supreme Court.

On presentation of the above motion in open Court & on consideration thereof it is ordered by the Court that said motion be and the same is hereby granted, and it is further ordered that said H.C. Kingsley Esq be and he is hereby admitted an Attorney & Counsellor of this Court and he accordingly licensed to practice therein according to law and the rules and practice of this Court.

[illegible]

can be administered in open Court to said applicant which is accordingly done this 4th day of October A.D. 1881.

By the Court
Peter C. Shannon
Chief Justice.

Territory of Dakota }
In Supreme Court } October Term A.D. 1881.

In the matter of the admission of Rollin J Mills as an Atty and Counsellor of Supreme Court.

And now on this 4th day of October 1881. being the first day of said October Term of said Court, comes Wm A. Wilkes Esqr an attorney of this Court and moves that Rollin J. Mills a practising Attorney in the District Court of this Territory and a resident of Minnehaha County be admitted an attorney and Counselor of this Court and licensed to practice therein according to law and the rules and practice of the Court.

Wm A. Wilkes
Atty Supreme Court

On presentation of the above motion in open Court and on consideration thereof it is ordered by the Court that said motion be, and the same is hereby granted, and it is further ordered that said Rollin J Mills be, and he is hereby admitted an Attorney and Counselor of this Court and according by licensed to practice in this Court according to law and the rules and practice of this Court. And it is further ordered that the oath prescribed by law be administered in open Court to said applicant. Which is accordingly done this 4th day of October A.D. 1881

By the Court
Peter C. Shannon
Chief Justice.

11 Augustus Caesar. Cl. Ed. 15. Copy of Jam.

Wednesday October 5th 1881.

Court met at the Court Room in the City of Jamestown N.D.
Pursuant to adjournment.

Present

Hon	P. C. Shannon	Presiding Justice
"	G. C. Moody	Associate
"	J. P. Kidder	"
"	D. A. Shuden	"
Hugh J Campbell		U.S. attorney
John B. Raymond. Esq		C. P. Edmunds Deputy
Warren Osborn		Clerk
Charles Morris		Bailiff
B. S. Williams		Clerk

The Court being duly opened the following Proceedings were had:

Territory of Dakota }
In Supreme Court } October Term

In the matter of the admission of Gilbert B. Scofield as an Attorney and Counsellor of the Supreme Court of Dakota.

And now on this 5th day of October A.D. 1881, being the 2nd day of said Term of said Court. comes Hugh J Campbell an Attorney of this Court and moves that Gilbert B. Scofield a practicing Attorney in the Districts of this Territory and a resident thereof. be admitted an Attorney and Counsellor of this Court. and licensed to practice therein according to law and the rules and practice of this Court.

Hugh J Campbell
Attorney of Supreme Court

On presentation of the above motion in Open Court and on consideration thereof, it is ordered by the Court that said motion be and the same is hereby granted, and it is further ordered that said Gilbert B. Scofield be and he hereby is admitted an Attorney and Counsellor of this Court and is accordingly licensed to practice in this Court accordding to law and the rules and practice of this Court. And it is further ordered that the oath prescribed by law be administered in Open Court to said applicant which is accordingly done this 5th day of May A.D. 1881.

By the Court

P. C. Shannon
Presiding Justice

500

U. S. Supreme Court.

G.T.D. 18 . 2nd Day of Term.

Wednesday October 5th 1887. Continued.

Golden Terra Mining Co
vs
Levi S. Smith et al.

Motion for substitution of Attorneys.

And now comes W. C. Quigley with argument on behalf of said Motion, and D. M. Langhlin in opposition thereto.

Herman A. Luce
Respondent -
vs
Thomas Van Doran
Appellant

Motion to dismiss Appeal

Oct: Term 1887.

And now comes L. S. Quigley in support of said Motion,

Oct: 5th 1887.

The motion of Respondent to dismiss the appeal in this Court in the above entitled action coming on to be heard, it appearing that the Judgment in said action was rendered and the appeal therefrom perfected more than thirty days prior to the first day of the present October Term of this Court and that no transcript of the record in said action or abstract thereof has been filed in this Court by the Appellant, and that the Appellant has failed to prosecute his said appeal with proper diligence and it further appearing that due notice of said motion has been served upon the Attorney for the Appellant,

On motion of L. S. Quigley Attorney for the Respondent, no one opposing, it is Ordered and adjudged that said motion be and the same is hereby sustained and said appeal is hereby dismissed,

It is further Ordered that the Respondent Herman A. Luce, have and recover from the Appellant - Thomas Van Doran the costs of this Appeal herein taxed at —

By the Court
C. C. Hanson
Chief Justice

U. S. Supreme Court,

D. T. 18 . 2nd Day of Term.

Wednesday October 5, 1887. Continued.

Thomas R. Jones,
Appellant,
vs.
Jacolai C. Matthiesen,
Respondent, Appeal from Dak. Ter.

Oct. Term 1887.

And now comes Alfred D. Thomas, and proceeds with argument on behalf of Appellant and Gilbert B. Seofield for Respondent.

United States of America
Supreme Court of Dakota Territory } ss.

Be it Remembered, That on the 5th day of October in the year of our Lord One thousand eight hundred and Eighty-one personally appeared before the Honorable Supreme Court of Dakota Territory Adam Joachim an alien born, above the age of twenty-one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America pursuant to the several acts of Congress heretofore passed on that subject. And the said Adam Joachim having thereupon produced to the Court record testimony showing that he has heretofore reported himself and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several acts of Congress and the Court being satisfied, as well from the oath of the said Adam Joachim as from the testimony of Frederick Lueck and W. W. Matthiesen who are known to be citizens of the United States that the said Adam Joachim has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Adam Joachim reported himself and filed his declaration of intention as aforesaid:

It was ordered that the said Adam Joachim be permitted to take the oath to support the Constitution of the United States, and the usual oath of allegiance to Government of

allegiance and fidelity to any Foreign Prince, Potentate, State or Sovereignty whatsoever and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Adam Joachim by the Clerk of said Court, it was ordered by the Court that the said Adam Joachim be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States. And that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly

Peter Shannon
Chief Justice

United States of America
Supreme Court of Dakota Territory } ss

Be it Remembered, That on the 5th day of October in the year of our Lord one thousand Eight hundred and Eighty-one personally appeared before the Honorable Supreme Court of Dakota Territory George Knottel an alien born, above the age of twenty-one years and applied in open Court to be admitted to become a naturalized citizen of the United States of America, Pursuant to the several acts of Congress heretofore passed on that subject, And the said George Knottel having thereupon produced to the Court record testimony showing that he has heretofore upon himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress and the Court being satisfied, as well from the oath of the said George Knottel as from the testimony of Frederick Lueck and Wm. Matthiesen who are known to be citizens of the United States, that the said George Knottel has resided within the limits and under the Jurisdiction of the United States for at least five years last-past, and at-least one year last-past within the Territory of Dakota and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; And has taken and subscribed before the said Clerk of this Court his oath or affirmation in due form of law, and renounced forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Adam Joachim by the Clerk of said Court, it was ordered by the Court that the said Adam Joachim be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States. And that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly

Peter Shannon
Chief Justice

United States of America
Supreme Court of Dakota Territory } ss

Be it Remembered, That on the 5th day of October in the year of our Lord one thousand Eight hundred and Eighty-one personally appeared before the Honorable Supreme Court of Dakota Territory George Knottel an alien born, above the age of twenty-one years and applied in open Court to be admitted to become a naturalized citizen of the United States of America, Pursuant to the several acts of Congress heretofore passed on that subject, And the said George Knottel having thereupon produced to the Court record testimony showing that he has heretofore upon himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress and the Court being satisfied, as well from the oath of the said George Knottel as from the testimony of Frederick Lueck and Wm. Matthiesen who are known to be citizens of the United States, that the said George Knottel has resided within the limits and under the Jurisdiction of the United States for at least five years last-past, and at-least one year last-past within the Territory of Dakota and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; And has taken and subscribed before the said Clerk of this Court his oath or affirmation in due form of law, and renounced forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Adam Joachim by the Clerk of said Court, it was ordered by the Court that the said Adam Joachim be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States. And that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly

Peter Shannon
Chief Justice

United States of America
Supreme Court of Dakota Territory } ss

Be it Remembered, That on the 5th day of October in the year of our Lord one thousand Eight hundred and Eighty-one personally appeared before the Honorable Supreme Court of Dakota Territory George Knottel an alien born, above the age of twenty-one years and applied in open Court to be admitted to become a naturalized citizen of the United States of America, Pursuant to the several acts of Congress heretofore passed on that subject, And the said George Knottel having thereupon produced to the Court record testimony showing that he has heretofore upon himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress and the Court being satisfied, as well from the oath of the said George Knottel as from the testimony of Frederick Lueck and Wm. Matthiesen who are known to be citizens of the United States, that the said George Knottel has resided within the limits and under the Jurisdiction of the United States for at least five years last-past, and at-least one year last-past within the Territory of Dakota and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; And has taken and subscribed before the said Clerk of this Court his oath or affirmation in due form of law, and renounced forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Adam Joachim by the Clerk of said Court, it was ordered by the Court that the said Adam Joachim be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States. And that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly

Peter Shannon
Chief Justice

United States of America
Supreme Court of Dakota Territory } ss

Be it Remembered, That on the 5th day of October in the year of our Lord one thousand Eight hundred and Eighty-one personally appeared before the Honorable Supreme Court of Dakota Territory George Knottel an alien born, above the age of twenty-one years and applied in open Court to be admitted to become a naturalized citizen of the United States of America, Pursuant to the several acts of Congress heretofore passed on that subject, And the said George Knottel having thereupon produced to the Court record testimony showing that he has heretofore upon himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress and the Court being satisfied, as well from the oath of the said George Knottel as from the testimony of Frederick Lueck and Wm. Matthiesen who are known to be citizens of the United States, that the said George Knottel has resided within the limits and under the Jurisdiction of the United States for at least five years last-past, and at-least one year last-past within the Territory of Dakota and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; And has taken and subscribed before the said Clerk of this Court his oath or affirmation in due form of law, and renounced forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Adam Joachim by the Clerk of said Court, it was ordered by the Court that the said Adam Joachim be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States. And that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly

Peter Shannon
Chief Justice

United States of America
Supreme Court of Dakota Territory } ss

Be it Remembered, That on the 5th day of October in the year of our Lord one thousand Eight hundred and Eighty-one personally appeared before the Honorable Supreme Court of Dakota Territory George Knottel an alien born, above the age of twenty-one years and applied in open Court to be admitted to become a naturalized citizen of the United States of America, Pursuant to the several acts of Congress heretofore passed on that subject, And the said George Knottel having thereupon produced to the Court record testimony showing that he has heretofore upon himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress and the Court being satisfied, as well from the oath of the said George Knottel as from the testimony of Frederick Lueck and Wm. Matthiesen who are known to be citizens of the United States, that the said George Knottel has resided within the limits and under the Jurisdiction of the United States for at least five years last-past, and at-least one year last-past within the Territory of Dakota and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; And has taken and subscribed before the said Clerk of this Court his oath or affirmation in due form of law, and renounced forever all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatsoever and more particularly to the Emperor of Russia whereof he was heretofore a subject,

[redacted]

Now Therefore, That the said George Knottel be

States and well disposed to the good order, well being and happiness of the same, and two years and upwards having elapsed since the said Gottlieb Joachim reported himself and filed his declaration of intention aforesaid,

It was Ordered that the said Gottlieb Joachim be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounced all allegiance and fidelity to any Foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Gottlieb Joachim by the Clerk of said Court, it was ordered by the Court that the said Gottlieb Joachim be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court. Which is done accordingly

Peter C. Shannon
Chief Justice

United States of America
Supreme Court of Dakota Territory } ss.

Be it Remembered. That on the 5th day of October in the year of our Lord one thousand Eight-hundred and Eighty-one personally appeared before the Honorable Supreme Court of Dakota Territory Heinrich Richter, an alien born, above the age of twenty-one years and applied in open Court to be admitted to become a naturalized Citizen of the United States of America. Pursuant to the several acts of Congress heretofore passed on that subject. And the said Heinrich Richter having thereupon produced to the Court record testimony showing that he had heretofore established residence and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Heinrich Richter as from the testimony of Frederick Seeba and H. H. Matthiesen, who are known to be citizens of the United

States, that the said Stennick Richlan has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same, and two years and upwards having elapsed since the said Stennick Richlan reported himself and filed his declaration of intention as aforesaid;

It was Ordered, That the said Stennick Richlan be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Stennick Richlan by the Clerk of said Court, it was ordered by the Court that the said Stennick Richlan be admitted to all and singular the rights privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly.

Peter C Shannon
Chief Justice

United States of America
Supreme Court of Dakota Territory } ss.

Be it Remembered, That on

the 5th day of October in the year of our Lord one Thousand Eight-hundred and Eighty-one Personally appeared before the Honorable Supreme Court of Dakota Territory Jacob Joachim an adult person, of the age of Twenty-one years and upwards and applied to said Court to be admitted to become a Citizen of the United States of America, pursuant to the Acts of Congress heretofore passed on that subject, and the said Jacob Joachim having produced satisfactory to the Court record testimony

5th

U. S. Supreme Court.

A.D. 18 . 3rd Day of Term.

Thursday October 6th 1881. Continued

Section 2 applied himself and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several acts of Congress, And the Court being satisfied, as well from the oath of the said Jacob Joachim as from the testimony of Frederick Lewis and W. W. Matthiesen who are known to be citizens of the United States that the said Jacob Joachim has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same, and two years and upwards having elapsed since the said Jacob Joachim reported himself and filed his declaration of intention as aforesaid;

It was Ordered, That the said Jacob Joachim be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever and more particularly to the Emperor of Russia whereof he was heretofore a subject, which oath having been administered to the said Jacob Joachim by the Clerk of said Court, it was ordered by the Court that the said Jacob Joachim be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly.

J. Peter C. Shannon
Chief Justice

United States of America
Territory of Dakota } ss.
District Court

I, Peter C. Shannon, Chief Justice of the Supreme Court of the Territory of Dakota, and ex-officio Clerk of the District Court of the First Judicial District of said Territory, do hereby certify that the foregoing is a full, true and correct copy of the record of the proceedings of said Court in the matter of the application of Jacob Joachim to be admitted to the rights of citizenship, as the same appears of record in my office.

Dakota Territory Ole Miller an alien Born, above the age of twenty-one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject. And the said Ole Miller having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress And the Court being satisfied as well from the oath of the said Ole Miller as from the testimony of Ole Larson and William Peterson who are known to be citizens of the United States, that the said Ole Miller has resided within the limits and under the jurisdiction of the United States for at least five years last past. and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the Principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Ole Miller reported himself and filed his declaration of intention as aforesaid:

It was Ordered. That the said Ole Miller be admitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatsoever, and more particularly to the King of Denmark whereof he was heretofore a subject., which said oath having been administered to the said Ole Miller by the Clerk of said Court, it was ordered by the Court that the said Ole Miller be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court under the seal of said Court, which is done accordingly

Chas. C. Nott
Chief Justice.

United States of America
Territory of Dakota
In Supreme Court

I B. S. Williams Clerk of the Supreme Court of said Territory, do hereby constitute and appoint C. P. Edmunds as my true and lawful Deputy Clerk, and I empower him to act in my place and stead in all things the same as if done by myself personally, and I hereby recommend him the said Charles P Edmunds to the Hon Judges of said Court that this appointment be approved by them. — Done at Yankton this 5th day of Oct A.D. 1881

Witness my hand ~~and seal~~ of Office the day above written

B. S. Williams
Clerk

In the Supreme Court of Dakota Territory

And now, October 5th 1881 on the recommendation of the Clerk of this Court. Charles P Edmunds is hereby appointed Deputy Clerk of the said Court

By the Court
P. C. Shannon
Chief Justice.

In Supreme Court
Territory of Dakota

I Charles P. Edmunds do solemnly swear that I will support the Constitution of the United States of America and the act organizing the Territory of Dakota and that I will faithfully, and impartially perform all the duties of the office of Deputy Clerk of said Supreme Court, to the best of my knowledge and ability.

So help me God. Charles P. Edmunds

Sworn to in open Court this 5th day of October A.D. 1881.

Gideon C. Moody
Associate Justice Sup. Court D.T.

And now Court adjourned until Thursday October 6th 1881. at 9 o-clock A.M. of said day.

Attest B. S. Williams
Clerk

U. S. Supreme Court, Olalem Term A.D. 1851. 3d Day of Term.

Thursday October 6th 1851.

Court met at the Court Room in the City of Jaueton U.T. pursuant to adjournment.

Present.

Hon. P. C. Shannon — Presiding Justice
" G. C. Moody — Associate "
" J. P. Kidder — " "
" S. A. Hudson — " "

Hugh J. Campbell — U.S. Atty.
John B Raymond — U.S. Marshal by C. P. Edmunds
Warren Osborn — Crier
Charles Morris — Bailiff
B. S. Williams. Clerk by C P Edmunds. deputy.

The Court being duly opened the following proceedings were had.

The St. Paul and Sioux City R.R. Co. Appellant.
Vs
Hanson Covell Respondent

(And now comes L. O. Sweezey Esqr and proceeds with argument on behalf of the Appellant, and Wm A. Wilkes Esqr with argument on behalf of the Respondent.)

Golden Terra Mining Co
Vs
Levi S. Smith et al — Motion for substitution of Attorneys.

(And now comes M. C. Keighley Esqr. and resumes his argument in support of said Motion, and O. H. Laughlin Esq Contra.

Said motion is denied by the Court. (See order in proceedings Page xxx)

And now Court is adjourned until Friday next 9 o'clock A.M.

7 Oct. 1851. at 9 o'clock A.M.

Attest

B. S. Williams
Clerk

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M. S. Supreme Court Oklahoma Terr A.D. 1887. 4th Day of Jan.

Sp. Term October 7th 1887.

(Present and at the Court Room in the City of Guthrie O.T.
Pursuant to adjournment.)
(Present)

Hon. P. C. Shannon — Chief Justice
" G. C. Moody. — Associate "
" J. R. Madden — " "
" S. A. Hudson — " "

Hugh J. Campbell. U.S. Attorney
John B Raymond. U.S. Marshal by C P Edmunds, Deputy
Warren Osborn Clerk
Charles Morris Bailiff
B.S. Williams. Sworn by C P Edmunds Deputy

The Court being duly opened the following proceedings were had.

Territory of Oklahoma }
In Supreme Court } Oct. Term A.D. 1887.

In the matter of the admission of A. B Monaghan Esqr as an Attorney and Counsellor of said Supreme Court.

And now on this 7th day of October A.D. 1887, being the 3rd day of said Oct. Term of said Court, Comes A.J. Thomas Esqr an attorney of this Court and moves that A. B. Monaghan Esqr who has been duly admitted to practice in the District Courts of said Territory and who is a resident of this Territory be admitted an Attorney and Counsellor of this Court, and licensed to practice therein according to law and the rules and practice of this Court.

A. J. Thomas.

Upon presentation of the above motion in open Court and on due deliberation thereof it is ordered by the Court that said Motion be, and the same is hereby granted. And it is further ordered that the said A.B. Monaghan be and he is hereby admitted an Attorney and Counsellor of this Court and authorized to practice in this Court according to law and the rules and practice of this Court. And it is further ordered that the Clerk record the admission of said

Friday October 7th 1887. Continued.

done This 7th day of October A.D. 1887.

By The Court
Peter C. Shannon
Chief Justice.

(Territory of Dakota
In Supreme Court } Oct. Term 1887.

In the matter of the admission of Thomas Wilson as an Attorney and Counsellor of this Court.

And now comes A.D. Thomas an Attorney of this Court on this 7th day of October 1887. being the fourth day of said October Term thereof. and moves that Thomas Wilson a practicing attorney of the State of Minnesota and having professional business in this Court be admitted to practice herein as an Attorney and Counsellor of this Court according to law and the rules and practice of this Court.

A.D. Thomas
Atty Supreme Court.

On presentation of the above motion in open Court and on consideration thereof it is ordered by the Court that said motion be and the same is hereby granted. and it is further ordered that said Thomas Wilson be and he is hereby admitted an Attorney and Counsellor of this Court and accordingly licensed to practice in this Court according to law and the rules and practice of this Court and it is further ordered that the oath prescribed by law be administered in open Court to said applicant which is accordingly done this 7th day of October 1887.

Peter C. Shannon
Chief Justice.

The Territory of Dakota ex-rel. Peter A.R. Co
Respondent -
vs
The County of Cass et al
Appellants

Appeal from the District Court of Cass County.

Appeal now coming on to be heard and argued by counsel on motion of [illegible] it is ordered

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U. S. Supreme Court. A. D. 18 . Day of Term.

Friday October 7th 1881. Continued

United States of America
Supreme Court of Dakota Territory } ss.

Be it Remembered,

That on the 7th day of October in the year of Our Lord one Thousand Eight Hundred and Eighty-one. Personally ce-peared before the Honorable Supreme Court of Dakota Territory. Eugene Kyliss an alien born, above the age of twenty-one years and applied in open Court to be admitted to become a naturalized citizen of the United States of America. Pursuant to the several acts of Congress here-to-fore passed on that subject. And the said Eugene Kyliss having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress. and the Court being satisfied as well from the oath of the said Eugene Kyliss as from the testimony of Warren Osborn and Christoph Steinbach who are known to be citizens of the United States, that the said Eugene Kyliss has resided within the limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character attached to the principles Contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same, and two years and upwards having elapsed since the said Eugene Kyliss reported himself and filed his declaration as aforesaid;

It was ordered, That the said Eugene Kyliss be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever, and particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Eugene Kyliss by the Clerk of said Court, it was ordered by the Court that the said Eugene Kyliss be admitted to all intents and purposes as a citizen of the United States, and that the said

be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly.

Orlin G. Shannon
Chief Justice.

United States of America
Supreme Court of Dakota Territory } ss.

Be it Remembered

That on the 7th day of October in the year of our Lord One thousand Eight hundred and Eighty-one. Personally appeared before the Honorable Supreme Court of the Dakota Territory, Nicolaus Temus, an alien born, above the age of twenty-one years and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject. And the said Nicolaus Temus having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Nicolaus Temus as from the testimony of Joseph Pein and Jacob Mayer who are known to be citizens of the United States, that the said Nicolaus Temus has resided within the limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota, and that during the whole of that time he has conducted himself as a man of good moral character attached to the principles contained in the Constitution of the United States, and well disposed to the good order well being and happiness of the same; and two years and upwards having elapsed since the said Nicolaus Temus reported himself and filed his declaration of intention as aforesaid;

It was Ordered, That the said Nicolaus Temus be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounces and allegiance and fidelity to every Foreign Prince, Potentate State or Sovereignty whatever, and more particularly to the Emperor of Germany whose subject he was heretofore, and

which said oath having been administered to the said Nicolaus Tenes by the Clerk of said Court it was ordered by the Court that the said Nicolaus Tenes be admitted to all and singular the rights privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court. which is done accordingly

Peter C. Shannon
Chief Justice

In Supreme Court
Territory of Dakota

Golden Terra Mining Co
Appellant

vs

Levi D. Smith, guardian ad litem &c.
et al (formerly Alfred J. C. Mahler et al
Respondent)

Order

Now on this 6th day of October 1887, at the regular term of our Supreme Court, the motion herein filed by W. C. Kingsley as the attorney for the Gopher Consolidated Gold Mining Company, asking that said last named Company be substituted on the records of this Court in this cause, as Respondents, in lieu of the above named Respondents and that the said Kingsley, be substituted as attorney for such substituted Respondents in this case in place of McDaughlin & Steele now the attorneys of record for the above named Respondents, came on for hearing before the Court, and which motion was resisted by said Respondents Counsel.

After hearing the grounds of said motion and argument of Counsel thereon, and the Court being fully satisfied in the premises, it is ordered that said motion be and the same is hereby denied.

It is further ordered that the Counter Motion of said McDaughlin & Steele to strick from the files the said motion of the Respondents be overruled. The request matter of said motion to strike out being disposed of by the foregoing order of this Court.

By the Court
Peter C. Shannon
Chief Justice

(See endorsement Docket)

U. S. Supreme Court, A.D. 18 . Term of Term.

Journal October Term 1881 Continued

Territory of Dakota,
In Supreme Court October Session 1881

In the matter of the admission of Thomas Wilson Esqr as an Attorney and Counsellor of this Court.—

And now comes A D Thomas an attorney of this Court on the 4th day of October 1881. being the fourth day of said October Session thereof and moves that Thomas Wilson a practicing attorney of the State of Minnesota and having business in this Court be admitted to practice herein— as an Attorney and Counsellor of this Court according to Law and the rules of practice of this Court A D Thomas
Atty Supreme Court

On presentation of the above motion in open Court and on consideration thereof it is ordered by the Court that said motion be and the same is hereby granted— and it is further ordered— that said Thomas Wilson be and he is hereby admitted an attorney & Counsellor of this Court— and accordingly licensed to practice in this Court according to law & the rules & practice of this Court— and it is further ordered that the oath— prescribed by law be administered in open Court to said applicant, which is accordingly done this 7th day of October— 1881.—

Peter C. Shannon
Chief Justice.

Territory of Dakota
In Supreme Court } October Term A.D. 1881.

In the matter of the admission of H B Monaghan Esq. as an attorney & Counsellor of said Supreme Court.

And now on this 7th day of October A.D. 1881, being the 4th day of said October Term of said Court.— comes A D Thomas Esqr Court Attorney of this Court.— and moves that H B Monaghan Esqr who has heretofore been admitted to practice in the District Court of said Territory and who is a resident of this Territory be admitted an attorney and Counsellor of this Court and licensed to practice therein according to Law and the rules and practice of this Court

A. D. Thomas.

On presentation of the above motion in open Court and on consideration thereof it is ordered by the Court that said motion be and the same is hereby granted and it is further ordered that the said H B. Monaghan be and he is hereby admitted an attorney and Counsellor of this Court and accordingly licensed to practice in this Court according to Law and the rules and practice of this Court— and it is further ordered that the oath prescribed by law be administered in open Court to said applicant which is accordingly done this 7th day of October A.D. 1881

By the Court Peter C. Shannon
Chief Justice

E. 4

U. S. Supreme Court,

Feb. Ter. 15

City of Yankton.

District Court of Dakota Territory ss.

Be it remembered. That on this 14th day of October in the year of our Lord One Thousand Eight Hundred and Eighty One personally appeared before the Honorable Supreme Court of Dakota Territory sitting in and for the County of Yankton, aforesaid Michael Gosch aged twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America pursuant to the several acts of Congress heretofore past on that subject. And the said Michael Gosch having thereupon produced to the Court record testimony showing that he had therefore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Michael Gosch as from the testimony of Joseph Pierquet Jacob Marx and Peter Gross citizens of the United States, that the said Michael Gosch has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and he, prior and upwards having elapsed since the said Michael Gosch reported himself and filed his declaration of intentions as aforesaid.

It was Ordered. That the said Michael Gosch be permitted to take the oath to support the Constitution of the United States, and the oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Michael Gosch by the Clerk of said Court. It was ordered by this Court that the said Michael Gosch be admitted to all and singular the rights, privileges and immunities of a Naturalized Citizen of the United States. And that the same be certified by the Clerk of this Court under the Seal of said Court which is done accordingly

Peter C. Shannon
Chief Justice.

And now here Court adjourned until Saturday Morning October 8th A.D. 1881. at 9 1/2 o clock

A. True

W. Wright
Clerk

U. S. Supreme Court, A. D. 18 . Day of Term 5?

5 8

U. S. Supreme Court, Dakota Term A.D. 1881. 5th Day of Term.

Stipulation Relative &c 1881

Present

The Hon. C. S. Shannon Chief Justice
" " E. Hudson Associate "
" " J. P. Kidder "
" " J. A. Edgerton "
" " J. B. Bullwinkle U.S. Attorney.
Marshal Pierce Deputy U.S. Marshal by C. O'Edwards Deputy.
Clerk Watson
Charles Morris Bailiff
Reporter Phillips Asst by C. O'Edwards Deputy.

The Court being duly opened the following proceedings were had

Territory of Dakota,
2nd Supreme Court } October Term A.D. 1881.

In the matter of the admission of George W. Graves Esq as an Attorney and Counsellor of this Court.

And now on this 5th day of October 1881, being the 6th day of said October Term of said Court, comes Alfred H. Flagg an attorney of this Court and moves that George W. Graves Esqr. who has heretofore been admitted to practice in the District Courts of said Territory, and who is a resident of said Territory, be admitted an attorney and Counsellor of this Court, and licensed to practice therein according to Law and the rules and practice of this Court and it is further ordered that the oath prescribed by law be administered to said Court, to said applicant which is accordingly done this 5th day of October 1881

Alfred H. Flagg
Attorney of said Court.

On presentation of the above motion in open Court, and on consideration thereof it is ordered by the Court that said motion be and the same is hereby granted, and it is further ordered that the said George W. Graves be and he is hereby admitted an attorney and Counsellor of this Court, and accordingly licensed to practice in this Court according to Law and the rules and practice of this Court and it is further ordered that the oath prescribed by law be administered to said applicant which is accordingly done this 5th day of October 1881

By the Court.
C. S. Shannon Chief Justice

Saturday October 8th 1881 term/meet.

United States of America
Supreme Court of Dakota Territory ss.

Be it Remembered, that on the 5th day of October in the year of our Lord One Thousand Eight Hundred and Eighty One personally appeared before the Honorable Supreme Court of Dakota Territory Joseph Pennett an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized Citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject. And the said Joseph Pennett having introduced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Joseph Pennett as from the testimony of Joseph Teibel and Joseph Skarbek Jr. who are known to be citizens of the United States, that the said Joseph Pennett has resided within the limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Joseph Pennett reported himself and filed his declaration of intention as aforesaid.

It Was Ordered That the said Joseph Pennett be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatsoever: and more particularly to the Emperor of Austria whereof he was heretofore a subject, which said oath having been administered by the said Joseph Pennett by the Clerk of said Court, it was ordered by this said Court that the said Joseph Pennett be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said, which is done accordingly.

Peter C. Shannon
Chief Justice

5th

U. S. Supreme Court, October Term A.D. 1881. 5th Day of Term.

Received

United States of America
Territory of Dakota
In Supreme Court
United States. Defendant in Error
vs
Thomas Leighton Plaintiff in Error } Before the motion of A.D. Thomas Counsel herein for Plaintiff in Error is entered and the facts on which the same is founded being verified by affidavit suggesting a diminution of the record herein— Which motion and affidavit are on file in this Court— and upon consideration thereof it is now here ordered and directed that the Court below cause to be certified to this Court a complete transcript herein— by sending to this Court the record alleged to be wanting to writ: The assignment of Errors, and prayer for reversal if any there be in said District Court.

Dated October 8th 1881.

By the Court
Peter C. Shannon
Chief Justice

And on same day upon motion of Defts Counsel the U.S. Attorney not opposing, the above cause is continued to the next Term of this Court.

Territory of Dakota. County of Yankton } In Supreme Court
Golden Sierra Mining Company Appellant
vs
Levi Smith et al. Respondents }.

Now comes the Appellant and upon the annexed affidavit moves this Honorable Court for a Continuance of the assignment of this cause until the next Term of this Court

Dated October 8th 1881.

Cotton & Thomas
Attys for Appellant

Same day. the above motion for a Continuance is argued by Counsel, and on Consideration, It is Ordered that the Same be, and it is denied—

By the Court
Peter C. Shannon
Chief Justice

Now Court adjourned until Thursday morning October 10th 1881. at 10 o'clock in the forenoon of said day

Attest
W. L. Nicholson
Clerk

U. S. Supreme Court, October Term A.D. 1881. 6th Day of Term.

Monday October 10th 1881

Court met pursuant to adjournment.

Present.

Hon Peter V. Sherwood Chief Justice
" L. C. Moody Associate "
" J. P. Ridder " "
" S. A. Hendson " "
Hugh J. Campbell U.S attorney
John B Raymond U.S Marshal by C. O'Edwards Deputy
Warren Osborn Crier
Charles Morris Bailiff
B. S. Williams Clerk by C. O'Edwards Deputy.

The Court being duly opened the following proceedings were had.

The Golden Fern Mining Company
vs
Lewis Smith et. al
Appellant.
Respondent.

And now comes A. D. Thomas Esqr and resumes his argument on behalf of the appellant in the above cause. argument continued through the day.

And Court adjourned until Tuesday the 11th day of October A.D. 1881. at 9½ o-clock in the forenoon

U. S. Supreme Court, October Term A.D. 1881. 22nd Day of Term.

Tuesday October 11th 1881.

Court met at the Court Room in the City of Jacksonville — pursuant to adjournment —

Present Hon Peter V. Sherwood Chief Justice.
" " G. C. Moody Associate "
" " J. P. Reidell " "
" " S. A. Hendson " "
Hugh J. Campbell U.S. Attorney
John B. Raymond U.S. Marshal by C. P. Edmunds Dep.
Warren Osborn Clerk
Charles Morris Bailiff
B. S. Williams Clerk by C. P. Edmunds Dep.

The Court being duly opened the following proceedings were had.

The Golden Sierra Mining Company Appellant

vs

Levi S. Smith et. al. Respondent

And now comes D. McLaughlin Esqr with arguments on behalf of the Respondents, argument continued through the day.

(And Court adjourned until Wednesday Oct 12th 1881. at 9½ o-clock A. M. Over)

See next Page.

United States of America
Supreme Court of Dakota Territory } ss.

Be it Remembered that on the 11th day of October in the year of our Lord One Thousand Eight Hundred and Eighty One personally appeared before the Honorable Supreme Court of Dakota Territory Charles Jenner an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized Citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that Subject. And the said Charles Jenner having thereupon produced to the Court record testimony showing that he had heretofore exhibited his oath and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Charles Jenner as from the testimony of Eberland Max and Peter Salvini who are known to be citizens of the United States, that the said Charles Jenner has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Charles Jenner reported himself and filed his declaration of intentions as aforesaid.

It Was Ordered, That the said Charles Jenner be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia of whom he was a subject, which said oath having been administered to the said Charles Jenner by the Clerk of said Court, it was ordered by the Court that the said Charles Jenner be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly.

Peter C. Shannon
Clerk of Supreme Court

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U. S. Supreme Court, October Term A.D. 1887. 7th Day of Term.

Tuesday October 11th continued

United States of America
Supreme Court of Dakota Territory ss

Be it remembered That on the 11th day of October in the Year of our Lord One Thousand Eight Hundred and Eighty Five personally appeared before the Honorable Supreme Court of Dakota Territory Jacob Wahl an alien born above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that behalf. And the said Jacob Frehl having thereupon produced to the Court his own testimony showing that he had heretofore resided himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well as from the oath of the said Jacob Frehl as from the testimony of Eberhard Mayr and John Santori who are known to be citizens of the United States, that the said Jacob Frehl, has resided within the limits and under the jurisdiction of the United States for a term of five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Jacob Frehl reported himself and filed his declaration of intention as aforesaid;

It was ordered that the said Jacob Frehl be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia whereof he was heretofore a subject; which said oath having been administered to the said Jacob Frehl by the Clerk of said Court, it was ordered by the Court that the said Jacob Frehl be admitted all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court which is done accordingly.

Peter C. Shannon
Chief Justice

U. S. Supreme Court. October Term A. D. 1881. 34th Day of Term.

Tuesday October 11th Continued

United States of America
Supreme Court of Dakota Territory

Be it remembered that at a term of the United States District Court in the year of our Lord One thousand Eight Hundred and Eighty one personally appeared before the Honorable Supreme Court of the Territory George Berith an alien born above the age of twenty one years and applied in open Court to be admitted to become a naturalized citizen of the United States of America pursuant to the several acts of Congress therefor passed on that subject, And the said George Berith having therein produced to the Court record testimony showing that he had theretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said George Berith as from the testimony of Overhard Nap and John Sudori who are known to be citizens of the United States, that the said George Berith has resided within the limits and under the jurisdiction of the United States for at least five years last past, and for one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order well being and happiness of the same; and two years and upwards having elapsed since the said George Berith reported himself and filed his declaration of intention as aforesaid

It was ordered that the said George Berith be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to any foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said George Berith by the Clerk of said Court, it was ordered by the Court that the said George Berith be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States and that the same be certified by the Clerk of this Court under the seal of said Court which is done accordingly.

Peter C Shannon
Chief Justice.

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U. S. Supreme Court, October Term A.D. 1881. 7th Day of Term.

Tuesday October 11th Continued

United States of America
Supreme Court of Dakota Territory

Be it remembered that on the 11th day of October in the Year of our Lord One Thousand Eight Hundred and Eighty One, personally appeared before the Honorable Supreme Court of Dakota Territory Frederick Jenner an alien born above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject. And the said Frederick Jenner having thereupon produced to the Court good testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several acts of Congress, and the Court being satisfied, as well as from the oath of the said Frederick Jenner as from the testimony of Eberhard Map and John Sartor, who are known to be citizens of the United States, that the said Frederick Jenner has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past, within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the Good order, well being and happiness of the same; and is 21 years and upwards having elapsed since the said Frederick Jenner reported himself and filed his declaration of intention as aforesaid.

It was ordered that the said Frederick Jenner be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Frederick Jenner by the Clerk of said Court, it was ordered by the Court that the said Frederick Jenner be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court which is done accordingly

Peter C Shannon
Chief Justice

U. S. Supreme Court, October Term. A. D. 1881. 11th Day of Term.

Tuesday October 11th Recalled

United States of America
Supreme Court of Dakota Territory

Be it remembered that on the 11th day of October

in the year of our Lord Eighteen Hundred and Eighty One personally before the Honorable Supreme Court of Dakota Territory Jacob French an alien born above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject, and the said Jacob French having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Jacob French, as from the testimony of Eberhard Hasf and John Santori who are known to be citizens of the United States, that the said Jacob French has resided within the limits and under the jurisdiction of the United States for at least five years last past, and for one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same, and two years and upwards having elapsed since the said Jacob French reported himself and filed his declaration of intention as aforesaid.

It was ordered that the said Jacob French be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced and allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the Emperor of Russia whereof he was heretofore a subject which said oath having been administered to the said Jacob French by the Clerk of said Court, it was ordered by the Court that the said Jacob French be admitted to all and singular the rights privileges and immunities of a naturalized citizen of the United States, and the same be certified by the Clerk of this Court under the seal of said Court, which is done accordingly.

Peter C. Shannon
Chief Justice,

In the Supreme Court of Utah Term A.D. 1881. 8th Day of Term.

Wednesday October 12th 1881.

Court met pursuant to adjournment.

Present.

Hon Peter C. Shannon Chief Justice.
" Geo. G. Moody Associate "
" J. A. Miller " "
" S. A. Henderson " "
" Hugh J. Campbell U.S. Attorney
John B. Raymond U.S. Marshal by C.P. Ellerbeck Dep.
Warren Preston Crier
Charles Harris Bailiff
B.S. Wilkinson Clerk by C.P. Ellerbeck.

Court being duly opened the following proceedings were had.

Golden Zone Mining Company
Appellants
vs
Weir & Smith et al
Respondents

Case recalled Oct 12th 1881 the above cause is further argued by A.D. Thomas Esqr for the Appellants and by D. McLaughlin Esqr for the Respondents.

And now Court is adjourned until Thursday Morning Oct 13th 1881. at 9 o'clock in the forenoon

Attest B.S. Wilkinson
Clerk

U. S. Supreme Court, October Term A.D. 1881. 3rd Day of Term.

Thursday October 13th 1881.

Court met Pursuant to adjournment.

Present. Hon Peter C Shannon Chief Justice
" " G. C. Moody Associate "
" " A. P. Ridder " "
" " S. A. Hendricks " "
" Hon Leigh J. Campbell U.S. Attorney
John B Raymond U.S. Marshal by C.P. Edmunds Dep.
James Osborn Crier
Charles Morris Bailiff.
B. L. Williams Clerk by C.P. Edmunds Dep.

The Court being duly opened the following proceedings were had.

Bernard G. Caulfield and William Carey
Partners &c — Respondents.
vs
Daniel Bagley Appellant.

And now this 13th day of October 1881. this cause coming on for hearing and is argued by Mr A.D. Shannon for respondents. and is submitted upon written briefs by appellants. no counsel for the Appellant being present. And is now on the same day submitted to the Court.

The St Croix Lumber Company Appellant
vs
John L Pennington - Respondent

And now this 13th day of October 1881. this cause came on for argument. Mr Justice Moody stating that while at the bar before his appointment as Judge. he had been advised in the by plaintiff's agent regarding the subject matter of the controversy, he takes no part in and does not sit in said Cause. And now same day cause is argued by Mr Cramer for Appellant and by Mr B Shiff for Respondent. and is submitted to the Court.

The United States
vs
Thomas Murphy & others

And now comes Haight & Campbell Esq with argument in behalf of Plff in Error No one appearing for Deft in Error.

Attest B L Williams Clerk.

Court adjourned sine die at 9 o'clock A.M.

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U. S. Supreme Court. Dakota Terr. A.D. 1881. 10th Day of Term.

Friday October 14th 1881.

Court met at the Court Room in the City of Jamestown D.T. pursuant to adjournment.

Present

Hon Peter C Shannon Chief Justice
" G A Moody Associate "
" J P Kidder " "
" S A Hudson " "
" Hugh J Campbell U.S. Attorney
John B Raymond U.S. Marshal by C.P. Edmunds. Deputy.
Warren Osborn Crier
Charles Morris Bailiff
B.S. Williams Clerk.

The Court being duly opened the following proceedings were had.

United States of America
Supreme Court of Dakota Territory } ss

Be it remembered that on the 14th day of October in the year of our Lord One Thousand Eight Hundred and Eighty One. Personally appeared before the Honorable Supreme Court of Dakota Territory Michael Goodmiller an alien born above the age of twenty one years, and applied in open Court to be admitted to become a Naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject. And the said Michael Goodmiller having thereupon introduced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Michael Goodmiller as from the testimony of Peter Saydal and Eberhard Enz who are known to be citizens of the United States and that the said Michael Goodmiller has resided within the limits and under the jurisdiction for at least five years last past, and for one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order well being and happiness of the same; and from [illegible] appears as known & proved since the said Michael Goodmiller resided [illegible] and [illegible]

U. S. Supreme Court, October Term A. D. 1881. 10th Day of Term.

Friday October 14th Continued

It was ordered that the said Michael Goodmiller be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the Emperor of Russia, whereof he was heretofore a subject; which said oath having been administered to the said Michael Goodmiller by the Clerk of said Court, it was ordered by the Court that the said Michael Goodmiller be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court under the seal of said Court which so done accordingly

United States of America
Supreme Court of Dakota Territory

Be it remembered that on the 14th day of October in the year of our God Eighteen Hundred and Eighty One personally appeared before the Honorable Supreme Court of Dakota, Territory, Jacob Keip Jr, an alien born above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America pursuant to the several acts of Congress heretofore passed on that subject and the said Jacob Keip Jr having thereupon produced to the Court record testimony showing that he had heretofore reported himself and made his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress and the Court being satisfied as well from the oath of the said Jacob Keip Jr as from the testimony of Peter Dayoel and Richard Shap who are known to be citizens of the United States that the said Jacob Keip Jr has resided within the limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota and that during the whole of that time he has behaved himself as a man of good moral character attached to the principles contained in the Constitution of the United States, and well disposed to the good order, [illegible]

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U. S. Supreme Court, October Term A.D. 1881. 10 Day of Term.

Friday October 14th 1881.

reported himself and filed his declaration of intention as aforesaid;

It was ordered that the said Jacob Keip Jr be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate State & Sovereignty whatever; and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Jacob Keip Jr by the Clerk of said Court, it was ordered by the Court that the said Jacob Keip Jr be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, which is done accordingly

Peter C Shannon
Chief Justice.

United States of America }
Territory of Dakota. Supreme Court. } ss

October Term 1881.

In the United States

Pltfs in Error

vs

Thomas Murphy & others

Defts in Error

} Writ of Error to Third District Court.

And now this 14th day of October 1881. on the above entitled cause comes the United States Attorney and shows to the Court that the transcript of the record herein does not set forth a sufficient record of a final judgment in the Court below, and it does not appear that any final judgment of the Court below has been entered. For the purpose therefore of correcting this Oppression and to the end that the matters complained of therein may be fully reviewed by this Court he moves the Court that the Writ of Error herein be dismissed without prejudice to the plaintiffs in error to have a new writ, and also that the record herein may be ordered to be sent back to the Third District Court.

Hugh J. Campbell
U. S. Attorney.

And the same day the above motion being heard and consideration thereof It is ordered that the said motion be and the same is hereby granted.

By the Court
Peter C. Shannon
Chief Justice

Territory of Dakota,
Supreme Court. October Term 1881.

The St Croix & L. R. R. Company, Appellant,
vs
Henson Lovell, Respondent.

This action coming on to be heard at this Term of said Court at the Court Room in the City of Yankton, — Present the Chief Justice and the Associate Justices, — And after hearing Messrs Pettigrew & Sweeney, of Counsel for the Appellant, and Mr R. J. Wells and Messrs Grigsby & Wilkes, of Counsel for the Respondent, and the Court having advised thereon, it is now here Considered, ordered & adjudged, that the judgment of the said District Court of Minnehaha County, appealed from herein, be & the same is hereby Affirmed. and it is further ordered, that this cause be, & it is hereby remanded to the said District Court within & for said County of Minnehaha, to be there proceeded with according to Law.
And it is further ordered & adjudged, that the said Respondent recover & recover from the said appellant his costs & disbursements in this behalf expended, Taxed & allowed at ($7 45/100) Seven dollars and forty five cents.
Done in open Court this 14th day of October, 1881. By the Court
Peter C Shannon
Chief Justice.

Shannon C. J. & Justices Moody & Kidder concurring Henderson J. dissenting.

Territory of Dakota,
Supreme Court. October Term 1881.

The St Croix Lumber Company, Appellant
vs
John L Pennington, Respondent

This action coming on to be heard at this Term of said Court, at the Court Room in the City of Yankton — Present, the Chief Justice, and the Associate Justices Kidder & Henderson — and after hearing Mr. A. J. Edmunds of Counsel for the Appellant, and Mr Bartlett Tripp & Mr E. Hart of Counsel for the Respondent, and the Court having advised thereon it is now here considered, ordered & adjudged, that the judgment of the said District Court of Minnehaha County appealed from herein, be & the same is hereby affirmed.
And it is further ordered, that this cause be & the same is hereby

N. D. Supreme Court, October Term A.D. 1881. 1st Day of Term.

Friday October 14th 1881 continued

Remanded to the said District Court within & for said Lawrence County to be there proceeded with according to law.

And it is further ordered & adjudged, that the said Respondents have & recover from the said appellant his costs & disbursements in this behalf expended, taxed & allowed at (Fifty Seven) seven Dollars & ten cents

Done in open Court this 14th day of October 1881.

By the Court.

Peter C. Shannon
Chief Justice.

Shannon C.J. and Justices Rieder & Hendson Concurring.
Tripp. J. having been of Counsel, did not sit in the case.

Territory of Dakota,
In Supreme Court,
October Term A.D. 1881.

Bernard G. Caulfield and William Carey. partners &c Respondents,
vs
Daniel Bogle Appellant.

This action coming on to be heard at this October 1881 Term of this Court at the Supreme Court Room in the City of Yankton. Present the Chief Justice and the Associate Justices: and the Appeal being submitted by the appellants Counsel Mr Gaffy upon printed briefs, and after hearing Mr A.D. Thomas of Counsel for respondent, and the Court having advised thereon. It is now here Considered ordered and adjudged that the judgment of the said District Court of Lawrence County appealed from herein, be and the same is hereby in all things affirmed, and it is further ordered that this Cause be and the same is hereby remanded to the said District Court within & for said Lawrence County to be there proceeded with according to law. It is further ordered and adjudged that the said Bernard G Caulfield and William Carey Copartners &c. have and recover from the said Daniel Bogle their Costs & disbursements upon this appeal in this behalf expended, taxed and allowed at (Fifty Five) seven dollars and forty five cents.

Done in open Court this 14th day of October A.D 1881.

By the Court
Peter C. Shannon
Chief Justice.

Filed this 14th October A.D. 1881.

U. S. Supreme Court, October Term A.D. 1881. 10th Day of Term.
Friday October 14th 1881 Continued

Territory of Dakota,
Supreme Court. October Term - A.D. 1881.

Thomas R. Jones. Appellant.
vs
Nicolai B. Matthiessen, Respondent

This action coming on to be heard at this Term of said Court at the Court Room in the City of Yankton, - Present, the Chief Justice and the Associate Justices, - and after hearing Messrs. Parker & Scofield, of Counsel for the Appellant, & Messrs Corson & Thomas, of Counsel for the Respondent, and the Court having advised thereon, it is now here considered, ordered & adjudged, that the judgment of the said District Court of Lawrence County appealed from herein, be and the same is hereby reversed & a new trial ordered. - And it is further ordered, that this cause be, & the same is hereby remanded to the said District Court within & for said Lawrence County, to be there proceeded with according to law.
And it is further ordered & adjudged, that the said Thomas R. Jones Appellant, have & recover from the said Nicolai B. Matthiessen, Respondent, his costs & disbursements in this behalf expended. Taxed & allowed at (Seven 10/100) Seven dollars & ten cents. Clerks fee Sixty four dollars & fifty cents Appellants costs. Done in open Court this 14th day of October, 1881.

By the Court Peter C. Shannon
Chief Justice
All the Justices Concurring.

Encelius A. Wilkins, Respondent.
vs
The Northern Pacific Rail Road Company - Appellant.

This cause having been argued and submitted at a previous Term of this Court and taken under advisement by the Court, but no decision made thereon, and since said submission the members of this Court having been changed so that a majority thereof now sitting have not heard said Cause.
It is ordered that a reargument be had therein at the next Term of this Court, and this Cause is continued to the next term for that purpose. It is further ordered that the Clerk of this Court furnish the Counsel for the respective parties forthwith a Certified Copy of this order -
October A.D. 1881.

Done in open Court this 14th day of
By the Court
Peter C. Shannon
Chief Justice

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In Supreme Court for Term A.D. 1851. In Vacation Court for Term A.D. 1851.

Territory of Dakota,
Lawrence County.

October Term A.D. 1851.

The Golden Fleece Mining Company, Appellants.
vs
Daniel Stewart's Guardian ad Litem of Alfred Hatter, Minor heir of Alfred J. & Hatter deceased, Charles Spencer, Frank J. Norton, Edward Davis, Julia A. Graham, Daniel W. Crocker, and George E. Hoag, — Respondents.

This action coming on to be heard at this Term of said Court at the Court Room in the City of Deerlodge, — Present, the Chief Justice and the Associate Justices, — and after hearing Forbes Brown & Rhodes, of Counsel for the Appellants, & Fayette McKnight and Wilson, of Counsel for the Respondents, and the Court having advised thereon, it is now here Considered, ordered, adjudged and decreed, that the judgment of the said District Court of Lawrence County, appealed from herein, be, and the same is hereby affirmed. And it is further ordered, that this cause be, and it is hereby remanded to the said District Court within and for said Lawrence County, to be there proceeded with according to law. And it is further ordered and adjudged that the said Respondents have and recover from the said Appellants their costs and disbursements in this behalf expended, taxed & allowed at ($12 50/100) Twelve dollars & Fifty cents.

Done in open Court This 14th day of October 1851.

By the Court
Peter C. Shannon
Chief Justice.

All the Justices Concurring.

Territory of Dakota
In the Supreme Court.
Golden Fleece Mining Company.
vs
Daniel Stewart et al,
Respondents
Appellants.

Motion for Attorneys Costs & Damages and Motion for a stay of proceedings on the judgment in this cause heretofore rendered by this Court herein, — came this day to be heard and decided According the Clerk of this Court made

to send the remittitur here to the Court below for a period of ninety days from this date, — to enable said Golden Fleece Mining Company to perfect its appeal to the Supreme Court of the United States, — And said appellant further agrees the Court to find and file its findings of fact therein.
Dated October 14th 1881.

Conson & Thornes
Atty for Appellants.

Territory of Dakota }
In Supreme Court.
Golden Fleece Mining Company
vs
Appellants.
Geo. S. Smith Guardian ad litem
former. A. J. & Mahler et al &c

On moving & filing the motion of the appellant herein for a stay of proceedings upon the judgment this day rendered, by this Court, and that the Clerk of this Court be directed not to send a remittitur to the Court below for a period of ninety days and the Respondents Counsel consenting thereto in open Court. Ordered that all proceedings upon the said judgment herein be stayed for ninety days from this date; and that the Clerk be, and is hereby directed not to send the remittitur to the Court below in this case until after the expiration of ninety days from this day.
Dated October 14th 1881

By the Court
Peter C Shannon
Chief Justice

The Golden Fleece Mining Company
Appellants.
vs
Geo S Smith, Guardian
Ad Litem &c et al,
Respondents

Now on this 14th day of October A.D. 1881, Judgment of affirmance of the Judgment of the District Court appealed from herein, in the above entitled Cause having by this Court been pronounced, and the Attorney for the Appellant, the Golden Fleece Mining Company, having moved to have findings of fact made by this Court with a view to an appeal in this matter to the Supreme Court of the United States. It is ordered that this Court adopt and this Court does hereby adopt as its own, and as findings of the District Court herein, the findings of fact of the District Court herein,

5

Bradford Stevens
Respondent
vs
R. A. Briggs et al. Appellants

This cause being called and no One appearing and no briefs submitted to the Court. it is Ordered that the Same be and it is hereby continued to the next term of this Court.

The Territory of Dakota on the relation of Stewart Barnes. Respondents
vs
John Macumber W. H. Skinner & E. P. Smith Board of Commissioners
Appellants

This Cause being called and no one appearing and no briefs being submitted to the Court it is Ordered that the Same be, or this hereby continued to the next term of this Court.

George A Whittenden
vs Respondents
James H Phillips and Marie J Phillips Appellants

This cause being called and no one appearing, and no briefs submitted. it is Ordered that the Same be, and it is hereby continued to the next term of this Court. —

11 1 Judgment Roll in Civil Cause No. 1351. 10th Day of Jan.
Finding Debtor Ivy Bondurant

District of Dakota Territory.

Be it Remembered, In the Supreme Court for said District, at a Term thereof, begun and held at Yankton, on the fourth day of October 1881. Present, the Honorable Chief Justice & Associate Justices the following order was made and entered of record, to wit:

Witness, Jno. F. Raymond United States Marshal, has rendered to this Court an account of his disbursements for Commissions & Fees incurred & paid previous to June 30th 1881 of the United States District Court of Dakota, with the Vouchers and items thereof, and is presence of Hon Hugh J. Campbell, United States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually & necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money: and whereas said charges appear to be just and according to law—

It is hereby ordered that the said account, amounting to Two Thousand and Seventy Six dollars and Seventy Seven Cents, be and the same is hereby approved

By the Court
P. C. Shannon
Chief Justice.

District of Dakota Territory.
District ss.

In the Supreme Court for said District, at a Term thereof begun and held at Yankton on the fourth day of October 1881.
Present: the Honorable Chief Justice & Associate Justices the following Order was made and entered of record, to wit:

Witness, Jno. F. Raymond United States Marshal, has rendered to this Court an account of his disbursements for Commissions & Fees incurred & paid previous to June 30th 1881 of the United States District Court of Dakota, with the Vouchers and items thereof, and is presence of Hon Hugh J. Campbell, United States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually & necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money: and whereas said charges appear to be just and according to law—

It is hereby ordered that the said account amounting to One Thousand and Six dollars and fifteen Cents be and the same is hereby approved

By the Court
P. C. Shannon
Chief Justice.

District of Dakota Territory.
District ss. In the Supreme Court for said District, at a Term thereof begun and held at Yankton, on the fourth day of October 1881.
Present: the Honorable Chief Justice, and Associate Justices the following order was made and entered of record. to wit.

Whereas, Jno B. Raymond United States Marshal, has rendered to this Court an account of his disbursements for Mispellaneous Expenses to close Feb 1881. incurred at and previous to June 30th 1881. of the United States District Courts, of Dakota with the Vouchers and items thereof, and in presence of Hon Hugh Campbell, United States Attorney, has proved on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to Law.—

It is hereby Ordered that the said account, amounting to One Hundred & fifty five dollars and — cents, be and the same is hereby Approved

By the Court
P C Shannon
Chief Justice.

District of Dakota Territory, ss. Dec. 1881
District ss. In the Supreme Court for said District, at a Term thereof begun and held at Yankton on the fourth day of October 1881. Present: the Honorable Chief Justice & Associate Justices the following order was made and entered of record, to wit.

Whereas, Jno B. Raymond United States Marshal, has rendered to this Court an account of his disbursements for Compensation ~~&~~ to Witnesses incurred at and previous to June 30th 1881. of the United States District Court of Dakota with the vouchers and items thereof, and in presence of Hon Hugh Campbell, United States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein, and that the disbursements charges have been fully paid in lawful money; and whereas said charges appear to be just and according to law.

It is hereby ordered that the said account amounting to Ninety dollars and forty cents, be and the same is hereby approved.

By the Court
P. C. Shannon
Chief Justice

[illegible] 10th day of [illegible]

[illegible]

[illegible] } In the Supreme Court for said District at a Special Term thereof begun and held at Deadwood on the fourth day of October 1881.

Present, The Honorable Chief Justice & Associate Justices the following order was made and entered of record, to wit:

Whereas, Jno. B. Raymond United States Marshal, has returned to this Court his disbursements for Conspiracies & Inquest Services at and previous to the August Term 1881. of the United States District Court, at Deadwood with the vouchers and proofs of service of Hon Hugh Campbell, United States Attorney, has proved to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law.—

It is hereby ordered that the said account amounting to Three Six Hundred and forty two dollars and Eighty cents be and the same is hereby approved.—

By the Court
P. C. Shannon
Chief Justice.

[illegible] Territory [illegible]

[illegible] } In the Supreme Court for said District at a Special Term thereof begun and held at Deadwood on the fourth day of October 1881.

Present, The Honorable Chief Justice & Associate Justices the following Order was made and entered of record to wit:

Whereas, Jno. B. Raymond United States Marshal, has returned to this Court his disbursements for Conspiracies & Inquest services at and previous to the August Term 1881. of the United States District Court, at Deadwood with the vouchers and proofs of service of Hon Hugh Campbell, United States Attorney has proved on oath to the Satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charges have been fully paid in lawful money; and whereas said charges appear to be just and according to law.—

It is Hereby Ordered that the said account Amounting to Three Six Hundred & Twenty Six dollars, be and the same is hereby approved.

By the Court
P. C. Shannon
Chief Justice.

Dis[trict] of Dakota Territory
——— District } ss In the Supreme Court for said District, at a Term thereof begun and held at Yankton on the fourth day of October 1881
Present: the Honorable Chief Justice and Associate Justices the following Order was made and entered of record, to wit;

Whereas Jno B. Raymond United States Marshal has rendered to this Court an account of his disbursements for Compensation of Jurors incurred at and during the August Term 1881 of the United States District Court, at Deadwood with the vouchers and claims thereof, and in presence of Hon Hugh J Campbell United States Attorney, has proved, on oath to the satisfaction of the Court, that the services charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and Whereas said charges appear to be just and according to law——

It is hereby ordered that the said account amounting to Four hundred and twenty One dollars, and Eighty Cents, be and the same is hereby approved.

By the Court
P. C. Shannon
Chief Justice.

Dis[trict] of Dak[ota] Ter[ritory] } F[eb]y 1882
——— District } ss In the Supreme Court for said District, at a Term thereof begun and held at Yankton on the fourth day of October 1881.
Present: the Honorable Chief Justice & Associate Justices the following Order was made and entered of record, to wit;
Whereas, Jno B. Raymond United States Marshal, has rendered to this Court an account of his disbursements for Witnesses expenses incurred at and during the August Term 1881 of the United States District Court, at Deadwood with the vouchers and claims thereof, and in presence of Hon Hugh J Campbell, United States Attorney has proved, on oath to the satisfaction of the Court, that the services therein Charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law —

It is hereby Ordered that the said account amounting to Seven hundred and Thirty three dollars and Sixty five cents be and the same is hereby approved.

By the Court
P. C. Shannon
Chief Justice

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11. U. S. Supreme Court Dakota Term A.D. 1881. 10th Day of Term.

Friday October 14th Continued

F. 47 1882.

District of Dakota: Territory

District } ss. In the Supreme Court for said District of the Term thereof begun and held at Huron on the fourth day of October 1881.

Present: The Honorable Chief Justice & the Associate Justices the following Order was made and entered of record, to wit:

Whereas, Jno B Raymond United States Marshal, has rendered to this Court an account of his disbursements for Compensations to Witnesses in cases at and previous to the August Term 1881. of the United States District Court, at Deadwood with the vouchers and items thereof, and is in presence of Hugh J Campbell, United States Attorney, has proved, on oath, to the satisfaction of the Court, that the Services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and Whereas said Charges appear to be just and according to Law—

It is hereby ordered that the said account, amounting to Fifty Four Hundred & Thirty Five dollars and Seventy five Cents, be and the same is hereby approved

By the Court

P. C. Shannon

Chief Justice.

And now it is hereby ordered that this Court be and the same is hereby adjourned until Tuesday the 27th day of December A.D. 1881 at 10 o-clock in the forenoon of said day

By the Court

Attest

Jno S Wilkinson

Clerk

U. S. Supreme Court, Adjourned Oct Term A.D. 1881. 11th Day of Term.

Tuesday December 27th A.D. 1881.

Court met at the Court Room in the City of Jamestown pursuant to adjournment.

Present. Hon Peter C. Shannon Chief Justice
" " J. P. Kidder Associate "
" " H. J. Campbell U.S. Attorney.
" Jno B. Raymond U.S. Marshal by C. P. Edmunds Deputy
Warren Olson Bailiff

Court being duly opened the following proceedings were had

Golden Terra Mining Co
vs
Levi I. Smith et al } No 41
Opinion of Court upon motion to Substitute— By Moody Justice

And now in the above cause Hon Peter C. Shannon proceeds to read in open Court the Opinion of the Court and the same is filed of record in said Supreme Court

Golden Terra Mining Company
vs
Levi I. Smith et al. } No 41
Opinion of Court. by Moody Justice

And now in the above cause Hon Peter C. Shannon proceeds to read the Opinion of the Court and the same is filed of record

Thos. R. Jones Appellant
vs
Nicolai C. Matthiesen Respondent. } No 92
Opinion by Moody Justice

Read in open Court by Hon Peter C. Shannon Chief Justice and the same is filed of record

The St Paul & Sioux City R.R. Co
vs
Alanson. Lovell } No 94
Opinion of Court by Kidder Justice

Read in open Court by Hon J. P. Kidder Associate Justice and the same is filed of record in said Court.

And now it is hereby ordered by the Supreme Court that the Court do stand adjourned until the 6th day of February A.D. 1882. at 10 o'clock in the forenoon of said day.

U. S. Witness

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U. S. Supreme Court, A. D. 18 . Day of Term.

Tuesday January 3rd 1882

~~Lotin~~
St Croix Lumber Company
Appellant.
vs
John L. Pennington
Respondent

Opinion of Court by Shannon C. J. filed in Clerks Office this 3rd day of January A.D. 1882.

Robert Nations et. al.
Respondents
vs
John D. Cameron
Appelant

Opinion of Court in the above entitled action filed in Clerks Office (by Shannon C. J.) this 2nd day of January A.D. 1882.

The United States
Defendant in Error
vs
Silas Smith Beebe
Plff in Error

Opinion of Court in the above entitled action by Shannon C. J. filed in Clerks Office This 3rd day of January A.D. 1882.

Barnfield & Carey
Respondents
vs
Daniel Boyle
Appellant

Opinion of Court in the above entitled cause by Henderson. J. filed in Clerks office this 8th day of February A.D. 1882

Vide
13 Mississippi
Rep.

U. S. Supreme Court, Adjourned Oct. Term A.D. 1881. 12th Day of Term.

Wednesday February 8th 1882.

Territory of Dakota }
Supreme Court. }

October Term A.D. 1881.

Whereas, at the last Sessions of said Court, it adjourned to meet on the 8th day of February, 1882. at ten o'clock in the forenoon of said day; Now, therefore, at the time last aforesaid, it is ordered, That said Court be, and the same hereby is adjourned to meet on the 8th day of May next at 10 o'clock in the forenoon of said day.

J. P. Nicholas
Associate Justice
Supreme Court.

To the Clerk
of Said Court.

U. S. Supreme Court Adjourned Oct Term A.D. 1881. 12th Day of Term.

Monday May 8th 1882

Court met at the Court Room in the City of Yankton Dakota Territory pursuant to adjournment.

Present

Hon A. J. Edgerton Chief Justice
" J. P. Hendon Special Justice
H. J. Campbell U.S. Attorney
John B. Raymond U.S. Marshal by E. A. Gray Dep'y.
Warren Osborn Crier
A. H. Spink & C. Jensen Bailiff
B. S. Williams Clerk.

And now this 8th day of May 1882. No Journal being present thereof no business being presented the Hon Supreme Court of Dakota Territory does now adjourn without day.

Attest

B. S. Williams
Clerk

Tuesday May 9th 1882.

Be it Remembered that on this 9th day of May A.D. 1882. it being the Second Tuesday of May A.D 1882. the Honorable Supreme Court of Dakota Territory met at the Court Room in the City of Jamestown Dakota Territory pursuant to law.

Present

Hon A J Edgerton Chief Justice
" G C Moody Associate Justice
" J P Kidder do do
" S A Henderson do do
Hugh J Campbell U S Attorney
John B Raymond U S Marshal by L A Gray Deputy.
B S Williams Clerk

Court being duly opened the following proceedings were had
First calling of the Calendar by Hon A J Edgerton Chief Justice

Territory of Dakota } May Term A.D 1882.
In Supreme Court }

In the matter of the admission of Alonzo Frizzell and F. L. Boyce as attorneys of this Supreme Court.

And now on this 9th day of May A.D. 1882. being the first day of said May Term of said Court comes Alexander Hughes an attorney of this Court and moves that Alonzo Frizzell and F. L. Boyce practicing attorneys of this Territory and residents thereof be admitted to practice in this Court as attorneys and Counselors at Law

Alexander Hughes
atty Supreme Court.

On presentation of the above motion in open Court and on Consideration thereof it is ordered by the Court that said petition be and the same is hereby granted, and it is further ordered that said Alonzo Frizzell and F. L. Boyce be and they are hereby admitted as attorneys and Counselors of this Court

By the Court.
A. J. Edgerton
Chief Justice

The Territory of Dakota } No 106
by
Thomas Egan }

The above cause being called
Ordered that the same be argued Saturday next (May 13th)

Stipulation for a Continuance

Robert S. Hancock
Respondent
vs
David H. Bradley et al
Appellants

It is hereby Stipulated that the above entitled action be continued to the next Term of this Court pending negotiations for Settlement and Compromise thereof

May 9th A.D 1882

E G Smith Atty for Appellants
Phil K Faulk Atty for Respondents

The United States Plaintiff in Error } 103
vs
John L. Cameron Defendant in Error }

The United States Plaintiff in Error } 104
vs
Dudley J. Sparkling Defendant in Error }

The United States Plff in Error } 105
vs
Curtis P. Parsons Defft in Error }

The United States Plff in Error } 106.
vs
John L Cameron. Defft in Error }

And now this 9th day of May 1882, the foregoing entitled causes numbered from 103 to 106. inclusive come on for argument together by consent of counsel and the permission of the Court. Hugh J Campbell Esqr U.S. Atty appears for the plaintiff in Error in each case. and Jno Hancock & Bartlett Sharpe for defts in Error therein, and the Counsel for the respective parties having argued the said causes and the Court having heard said arguments, each of the said Causes is thereupon submitted.

Stephen J. Herbert
Respondent
vs
The Northern Pacific Railroad
Appellant

This Cause is set for hearing, for tomorrow morning at 9 o'clock A. M.

Attest
B. J. Williams
Clerk

And now May 9th 1882 Court is ad. until until tomorrow at 9 o'clock A.M.

U. S. Supreme Court, May Term A.D. 1882. 2nd Day of Term.

Wednesday May 10th 1882

Court met pursuant to adjournment.

Present

Hon A. J. Edgerton Chief Justice
" S. S. Woody Associate Justice
" J. P. Rickets " "
" L. A. Hudson " "
Hugh J. Campbell U.S. Attorney
J. B. Raymond U.S. Marshal by C. A. Gray Deputy.
Warren Osborne Crier
C. Jensen and C. A. Spinks Bailiffs
B. A. Williams Clerk

Court being duly opened the following proceedings were had

Clayton D. Herbert
vs Respondents
The Northern Pacific Railroad Company Appellant } No 118.

And now this 10th day of May 1882 the above cause coming on for hearing, now comes W. P. Clough Esqr appearing for said appellants, and Judge Wilson for Clayton D. Herbert said Respondent. and this cause submitted to the Court.

James Finney Respondent
vs
The Northern Pacific Railroad Company Appellants } No 117. Motion by respondents to dismiss the Appeal.

And now this 10th day of May 1882. comes J. R. Gamble Esqr in support of said motion and W. P. Clough Esqr Contra. (see order of Court)

Territory of Dakota
In Supreme Court } May Term 1882.

James Finney Plff & Respondents } No 117.
vs
The Northern Pacific Railroad Company. Defts & Appellants

And now this 10th day of May 1882. the motion to dismiss the appeal herein filed

U. S. Supreme Court. Third Term A.D. 1882. 2nd Day of Term.

Wednesday May 10th continued

herein coming on to be heard on the grounds stated in said motion, and after hearing J. B. Gamble for said motion, and W. P. Clough Contra, it is ordered that the appeal herein be and the same is hereby dismissed without prejudice at Appellants costs to be taxed Dollars and fifty Cents.

By the Court.
A. J. Edgerton
Chief Justice.

Attest
B. S. Williams
Clerk
Territory of Dakota

In the Supreme Court at May Term, 1882.

In the matter of the admission of Peter C Shannon as an attorney and Counselor at law of this Court:—.

And now, May 10th 1882.

comes Hugh J. Campbell, the United States attorney,— and a member of this bar,— and moves that Peter C. Shannon, who has been admitted to practice in the District Court of the Second Judicial District of this Territory, and who is a citizen of the Territory,— be admitted and licensed to practice as an attorney and Counselor— at law of and in this Court.

Hugh J. Campbell
Attorney and Counselor at law, &c.

And the same day, on consideration of the above motion, and the Court being satisfied that the said applicant possesses the requisite qualifications,— it is Ordered that said motion be granted;— and the applicant having, in open Court, duly taken the oath required by law,— it is further Ordered that the said Peter C. Shannon be, and he is hereby is admitted and licensed to practice, as an attorney and Counselor at-law, of and in this Court.

By the Court.
A. J. Edgerton Chief Justice.

And now This 10th day of May 1882. Court is adjourned until 10 o'clock (Thursday) morning of 9 o'clock in the forenoon of said

Attest
B. S. Williams
Clerk.

Thursday May 11th 1882.

Court met at the Court Room in the City of Jamestown pursuant to adjournment.

Present

Hon A. J. Edgerton Chief Justice and Hons C. C. Moody. J. P. Ridder and S. A. Henderson Associate Justices

Hon Hugh J. Campbell U. S. Attorney

J. B. Reymond U. S. Marshal by A. H. Gray Deputy

Warren Osborne Crier

C. Jensen and C. H. Smith Bailiffs.

B. S. Williams Clerk.

The Court being duly opened the following proceedings.

C. A. Williams
— vs. — Plaintiff & Respondent
The Northern Pacific Railroad Company Defendant & Appellant
} No 79. Re-argument from Bismarck to County

And now this 11th day of May 1882. the foregoing entitled cause coming on for hearing G. P. Flannery Esqr appearing for said Appellants. — and no one appearing for the Respondent. cause is thereupon submitted.

Daniel H. Talbott. Respondent
— vs —
Richard F. Pettigrew Appellant
} No 109. Appeal from the District Court of Minnehaha County.

And now this 11th day of May 1882. the above entitled cause coming on for hearing. S. L. Spooner Esq. appearing for R. F. Pettigrew said Appellant. and F. D. Day Esq. for D. H. Talbott said Respondent, cause thereupon cause is submitted.

Arnold Smith
Plaintiff & Respondent
vs
The St. Paul Fire & Marine Insurance Company. Defendant & Appellants
} No 107. Appeal from the District Court of Cass County.

The above cause being called on its order on the Calendar in this cause thereupon submitted on by the parties on duly prepared Briefs of their respective counsel and Respondents.

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U. S. Supreme Court, May Term A.D. 1882. 3 Day of Term.

Thursday May 11th Continued

James Reese and
Blatt & Buerdorf Appellants
vs
Steamboat General Terry Walker
A Barleigh Sr & W. A Barleigh Jr
Respondents

No 105
Motion by respondents to
dismiss the appeal.

And now this 11th day of May 1882. motion to dismiss the appeal in the above action coming for hearing. Hon P. C Shannon appearing for said motion and B. Triplett Esqr contra.—

James Rees and Blatt and
Buerdorf Libellants & Appellants.
vs
Steamboat General Terry Walker &
Barleigh Sr & Walker A Barleigh Jr.
Claimants & Respondents

No 108.
Motion by Claimants & Respondents
to strike from the Transcript certain evidence.
(See Motions)

And now May 11th 1882 the above motion coming on for hearing. P. C Shannon & N J Cramer Esqrs appearing in support thereof. and Bartlett Triplett Esqr contra.

James Rees & Blatt and
Buerdorf. Appellants.
vs
Steamboat General Terry Walker
A Barleigh Sr & Walker A Barleigh Jr.
Respondents

No 106.
Appeal from the District
Court of Jackson County.

And now this 11th day of May 1882. the above entitled cause coming for argument & hearing. Bartlett Triplett Esqr appearing for James Rees et al, said Appellants.

And now Court adjourned until Friday the 12th day of May 1882. at 9 o'clock in the forenoon of said day.

Attest B. S. Williams
Clerk.

U. S. Supreme Court, May Term A.D. 1882. 12th Day of June.

Friday May 12th 1882.

Court met at the Court Room in the City of Jamestown Dakota Terry pursuant to adjournment.

Present.

Hon A. J. Edgerton Chief Justice
" G. G. Moody Associate Justice
" J. O. Rideer " "
" S. A. Hendson " "
Hugh J. Campbell U. S. Attorney
J. B. Raymond U. S. Marshal by C. A. Gray Deputy
Warren Osborne Clerk
C. Jensen & C. H. Spinks Bailiffs
B. S. Williams Clerk

Court being duly opened the following proceedings were had, viz:

James Reese & Platt and
Bowerdorf Appellants
vs
Steamboat General Terry Walker
& Burleigh Sr & Walter A Burleigh Jr
Claimants & Respondents

No 108.
Appeal from the
District Court of Jamestown
County.

And now this 12th day of May 1882. Bartlett Tripp Esqr. appearing and continues his appearance for said appellants. and Messrs N. J. Cranmer and C. C. Thomson for Said Respondents. and thereupon cause submitted.

And Court adjourned until Saturday the 13th day of May 1882 at 10 o-clock in the forenoon of said day

Attest B. S. Williams
Clerk

U. S. Supreme Court. May Term A.D. 1882. 5th Day of Term.

Saturday May 13th 1882.

Court met at the Court Room in the City of Jamestown Dakota at 9 o-clock A.M. pursuant to adjournment.

Present

Hon A. J. Edgerton Chief Justice
" G. G. Woody Associate Justice
" J. P. Rider do do
" S. A. Hendson do do
" Hugh J. Campbell U. S. attorney
J. B. Raymond U. S. Marshal by C. A. Gray Deputy
Warren Osborne Crier
C. Jensen and C. H. Smith Bailiffs
B. J. Williams Clerk

Court being duly opened the following proceedings were had, to wit,

The United States
Defendant in Error
vs
Harvey D. Knowlton Indicted
as Geo. Knowlton
Plaintiff in Error.

No 102.

Writ of Error to 6th Dist Court of Hamilton County.

And now this 13th day of May 1882. the foregoing Entitled cause coming on for argument and hearing. Bartlett Tripp Esqr appearing for said Harvey D. Knowlton and said Plaintiff in Error.

And now Court adjourned until Monday the 15th day of May 1882. at 9 o-clock in the forenoon of said day

U. S. Supreme Court. May Term 1882. Error to Dak.

Circuit May Term 1882

Court, and at the Court House, in the City of Deadwood & Territory aforesaid, on the Fifth day of May A.D. 1882.

Present— The Hon. Edgerton Chief Justice, Hon. Francis J. Moody, Hon. Peter Shannon and Hon. Alexander Wallace Associate Justices.

Jno. B. Hay vs. Deadwood Mining Co. et al.

Error to Circuit Court of Lawrence County.

Hay & Woodruff for Plaintiff in Error.

Bailey & Wolfenden for Defendant in Error.

Cause being duly reached and submitted for decision on the Briefs.

On motion it is ordered that the Judgment of the Court below be and the same is hereby affirmed with Costs.

The United States
Defendant in Error
vs
Harvey Wilcoxen Judgment
as Geo. Knowlton.
Plaintiff in Error

No 114
Writ of Error Dismissed
Cause submitted.

May A.D. 1882. This above Cause being called for further argument. Now comes Henry A. Gleed Esq. U. S. Atty. with argument for said Defendant in Error and Jno. B. Hay Esq. with closing argument for Plaintiff in Error. And thereupon said Cause submitted.

The Territory of Dakota
Defendant in Error
vs
Thomas Hagan
Plaintiff in Error

No 116
Writ of Error Dismissed
Cause submitted

And now this 16th day of May A.D. 1882 the above entitled Cause coming on to be further heard & Henry A. Gleed Esq. U. S. Atty. appearing for Defendant in Error and Jno. B. Hay Esq. with closing argument for Plaintiff in Error. And thereupon said Cause submitted.

And now to wit on the 16th day of May A.D. 1882 at 9 o'clock in the forenoon of said day

Attest B. S. Wilkins
Clerk

U. S. Supreme Court. May Term A.D. 1882. 7th Day of Term

Tuesday May 16th 1882

Court met pursuant to adjournment.

Present Hon A. J. Edgerton Chief Justice and Hons
L. L. Tiwoody J. P. Kidder and S. A. Knowlton Associate Justices
Hugh J. Campbell Esqr U.S. Attorney
Jno B Raymond U.S. Marshal by C. A. Gray Deputy.
Warren Osborn Crier
C Jensen and C. H. Spirit Bailiffs.
B. L. Williams Clerk.

Court being duly opened the following proceedings were had.

U.S. Dist

The Territory of Dakota
Respondent in Error
vs
Thomas Egan
Plaintiff in Error

} No 116
Writ of Error to the District
Court of Minnehaha County.

And now this 16th day of May A.D. 1882. The above entitled cause being called for further argument and hearing, now comes J. W. Carter Esqr District Attorney, and P. Parkinson Esqr appearing for defendant in Error. and L. S. Sweezey Esq in the closing argument and thereupon cause submitted.

District of Dakota Territory
Judicial District } ss

In the United States Supreme Court for said District, at a term thereof begun and held at Yankton on the Eighth day of May 1882. Present: the Honorable A. J. Edgerton Chief Justice presiding Judge: the following order was made and entered of record. to wit:

Whereas Jno B. Raymond United States Marshal, has rendered to this Court an account of his disbursements for serving of Process and Expense incurred at and previous to January Term 1882 of the United States District Court at Deadwood with the vouchers and items thereof, and in presence of Hon. Hugh J Campbell United States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements mind have been fully paid in lawful money and whereas said charges appear to be just and according to law

It is hereby Ordered, that the said account, amounting to fifty six hundred and sixty three dollars and fifty two cents, be

and the same is hereby approved.

By the Court
A. J. Edgerton
Chief Justice

District of Dakota Territory
Judicial District } ss.

In the United States Supreme Court for said District, at a term thereof begun and held at Yankton, on the Eighth day of May 1882. Present: the Honorable A. J. Edgerton Chief Justice Presiding Judge, the following order was made and entered on record, to wit:

Whereas Jno B. Raymond United States Marshal, has rendered to this Court an account of his disbursements for Fees of Witness incurred at and previous to the January term 1882 of the United States District Court at Deadwood with the vouchers and items thereof, and in presence of Hon Hugh J Campbell District States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law.

It is hereby Ordered that said account, Amounting to Ninety three hundred and twenty dollars and twenty Cents, be and the same is hereby approved

By the Court
A J Edgerton
Chief Justice

District of Dakota Territory
Judicial District } ss.

In the United States Supreme Court for said District at a term thereof begun and held at Yankton, on the Eighth day of May 1882. Present: the Honorable A. J. Edgerton, Chief Justice Presiding Judge, the following order was made and entered of record, to wit:

Whereas Jno B. Raymond United States Marshal, has rendered to this Court an account of his disbursements for Fees of Jurors incurred at and previous to the January Term 1882 of the United States District Court at Deadwood with the vouchers and items thereof, and in presence of Hon Hugh J. Campbell United States Attorney, has proved, on oath to the satisfaction of the Court

U. S. Supreme Court. May Term A.D. 1882. 1st Day of Term.

Tuesday May 16th 1882.

That the Services therein charged have been actually and necessarily performed as therein Stated, and that the disbursements charged have been fully paid in Lawful money, and whereas said charges appear to be just and according to Law.

It is hereby ordered that the said Account Amounting to Twenty Five Hundred and Forty Five dollars and ten Cents, be and the same is hereby allowed

By the Court
A. J. Edgerton
Chief Justice

District of Dakota Territory
Judicial District } ss.

In the United States Supreme Court for said District, at a Term thereof begun and held at Yankton on the eighth day of May 1882. Present. The Honorable A J Edgerton Chief Justice Presiding Judge; the following order was made and entered of record, to wit.

Whereas Jno B Raymond United States Marshal, has rendered to this Court an Account of his disbursements for miscellaneous expenses incurred at and previous to the January Term 1882 of the United States District Court at Deadwood with the vouchers and Items thereof, and in presence of Hon Hugh J Campbell United States Attorney, has proved on oath to the Satisfaction of the Court. That the Services therein charged have been actually and necessarily performed as herein Stated, and that the disbursements charged have been fully paid in Lawful money; and whereas said charges appear to be just and according to Law.

It is hereby ordered that the said Account Amounting to Thirteen Hundred and two dollars and fifteen Cents be and the same is hereby allowed

By the Court
A. J. Edgerton
Chief Justice

District of Dakota Territory
Judicial District } ss.

In the United States Supreme Court for said District, at a Term thereof begun and held at Yankton, on the Eighth day of May 1882. Present. The Honorable A J. Edgerton Chief Justice Presiding Judge, the following order was made and entered of record, to wit:

U. S. Supreme Court, May Term A. D. 1882. 16th Day of Term.

Tuesday May 16th 1882.

Whereas Jno B Raymond United States Marshal, has rendered to this Court an account of his disbursements for Support of U. S. Prisoners incurred at and previous to the January Term 1882. of the United States District Court, at Deadwood with the vouchers and items thereof, and in presence of Hon Hugh J. Campbell United States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money: and whereas said charges appear to be just and according to law.

It is hereby ordered that the said account, Amounting to Four Thousand, Fifty five dollars, and fifteen Cents, be and the same is hereby approved

By the Court

A. J. Edgerton

Chief Justice.

The United States

Defendant in Error

vs

James Leighton alias James Halstead alias James May alias Teddy Reed alias Wild Jimmy

Plaintiff in Error

No 100

Writ of Error to the District Court of the Fourth Judicial District

And now this 16th day of May A.D. 1882. the above entitled cause coming on for argument and hearing. Bartlett Tripp Esqr appearing for James Leighton said plaintiff in Error, and Hugh J Campbell Esqr U.S. Atty for defendant in Error. Same day argument concluded, and thereupon cause submitted.

The Star Wagon Company

Plff & Respondent

vs

Nicolai C Matthiessen et al,

Defts & Appellants

No 111

Appeal from the District Court of Lawrence County.

Motion to Continue.

And now this 16th day of May 1882 the above cause coming on for argument. E.G. Inscott Esqr appearing for said Motion, and Peter C Shannon Esqr Contra. Upon which cause submitted. Same continued to next term of this Court

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U. S. Supreme Court. ... Term A.D. 1882. 7th Day of Term.

Tuesday May 16th 1882.

The United States.
Defendant in Error.
vs
Me-to-o-hi-ti-ke. otherwise known and called in the English language.
Brave Bear. alias Ma-per-pe.
Plaintiff in Error.

No 101.
Writ of Error to the Second Judicial District Court.

And now this 16th day of May 1882. this above entitled cause coming on for argument and hearing Oliver Shannon Esqr. Appearing for said Plaintiff in Error and Hugh J Campbell Esqr U.S. Attorney for defendant in Error. Same day cause submitted.

The Territory of Dakota, ex. rel,
Respondents
vs
James Humphreys et. als
Appellants

No 96.
Appeal from the District Court of Brookings County

And now this 16th day of May A.D. 1882. this above entitled cause being called in its order the respective parties being present by their attorneys and not desiring to make oral argument. it is thereupon submitted to the Court, on their printed briefs.

And now Court adjourned until Wednesday the 17th day of May 1882, at 9 o-clock in the forenoon of said day.

Court met pursuant to adjournment
Present

Hon J. E. Edgerton Chief Justice and Hons, P. C.
Moody J. P. Rider and S. A. Knudson Associate Justices.
Hugh J. Campbell U. S. Attorney
Jno B. Raymond U. S. Marshal by L. A. Gray Deputy
Warren O. Stone Crier
L. Jensen & L. H. Spink Bailiffs

The Court being duly opened the following proceedings were had. Viz:

United States of America } In Supreme Court
Territory of Dakota } ss in & for Dakota Territory

The Pepperell National Bank
Plaintiff & Appellant

vs.

The County of Yankton and
The County Treasurer of Yankton County,
Defendants & Respondents

To the above named defendants
You will please take notice the plaintiff the Pepperell National Bank the Appellant in the above cause will at the next term of the said Supreme Court to be held at the Court House in the City of Yankton on the 9th day of May A.D. 1882 at the hour of ten o'clock P.M. of that day or as soon thereafter as counsel can be heard move the Court to dismiss the writ of error or Appeal taken therein from District Court of Yankton County

L. H. Parker
Plaintiff Attorney

United States of America }
Territory of Dakota }

In Supreme Court
The Pepperell National Bank
Plff & Appellant
vs.
The County of Yankton and
The County Treasurer of Yankton County
Defts & Respondents
} Motion

And now on this 9th day of May A.D. 1882 comes the above

H. T. Supreme Court. May Term. A. D. 1882. 8th Day of Term.
Continued

named defendant and moves the Court to dismiss the writ of Error or Appeal taken herein from the decision of Peter C. Shannon Presiding Judge of the District Court in and for Yankton County sustaining a demurrer to an alternative writ of Mandamus

J. H. Fuller
of Attorneys for
Appellant

And now on this 17th day of May A. D. 1882 the above motion having come on to be heard, and it appearing that due notice thereof was given the defendants, and no opposition thereto being made, said Motion is hereby granted and said appeal is hereby dismissed at the costs of the Appellant

By the Court
A. J. Edgerton
Chief Justice

Territory of Dakota
In Supreme Court

And now this 17th day of May 1882 comes E. B. Gamble and moves this Hon. Court that Thomas Armstrong of Elk Point D. T. be admitted to practice as an Attorney of this Court. And Herewith presents a Certified Copy of the record admitting him to practice in all the Courts of the State of New York on the 3. day of September 1869, and also proof of his good moral character

E. B. Gamble
Atty of Sup. Court

And now this 17th day of May 1882 the above motion coming on to be heard and the Court being advised in the premises, it is ordered that the above motion be granted, and the said Thomas Armstrong is hereby admitted to practice as an Attorney of this Court

By the Court
A. J. Edgerton
Chief Justice

Territory of Dakota
In the Supreme Court
May Term 1882

In the matter of the admission of Charles A. Gray as an Attorney and Counselor at law of said County

U. S. Supreme Court, May Term, A. D. 1882. 8th Day of Term.

And now, May 17. 1882, comes Peter C. Shannon a Member of this Bar, and moves that Charley A. Gray, who has been admitted to practice in the District Courts of the Territory of Dakota and who is a Citizen of the Territory, be admitted and licensed to practice as an Attorney and Counselor at Law of and this Court

P. C. Shannon
Attorney and Counselor at Law or

And same day, on consideration of the above motion, and the Court being satisfied that the said Applicant possesses the requisite qualifications, it is Ordered that said motion be granted, and the Applicant having, in open Court, duly taken the oath required by law, it is further ordered, that the said Charley A Gray be, and he hereby is admitted and licensed to practice, as an Attorney and Counselor at Law of and in this Court

By the Court
A J Edgerton
Chief Justice

United States of America }
Territory of Dakota } ss.

In Supreme Court.

The United States
Defendant in Error.
vs
Kenegi Shun-ca otherwise
called Crow Dog.
Plaintiff in Error

} No 119
Writ of Error to the first Judicial District Court.

And now this 17th day of May A.D. 1882.

It is hereby stipulated and agreed by counsel herein, that the above entitled cause may be continued to the October A.D. 1882. Term of this Supreme Court and shall stand for hearing therein on the first day of said Term. Done this May 17th A.D. 1882.

A. J. Plowman Atty for Plff in Error
Hugh J. Campbell U.S. Atty
Atty for Defendant in Error

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M. S. Supreme Court, May Term A.D. 1882. 8th Day of Term.

Wednesday May 17th 1882. Continued

Arthur Gamelson
vs Appellant
Leonidas M Pressley as
Administrator &c
Respondent

No 110

Appeal from the District Court of Jenkins County.

And now this 17th day of May 1882. the above cause coming on for argument and hearing. Come N. J. Cranmer Esqr appearing for Arthur Gamelson said Appellant and L. B. Harris Esqr for the Respondent, Same day cause Submitted to Court.

Joseph W Campbell
Appellant
vs
Charles Warnbold et al
Respondent

No 112.

Appeal from the District Court of Jenkins County.

And now this 17th day of May 1882 the above cause coming on for argument and hearing Bartlett Tripp Esqr appearing for Joseph W Campbell said Appellant and N. J. Cranmer Esqr for the respondent and Same day cause Submitted to the Court.

Thursday May 18th 1882.

Court met at the Court Room in the City of Yankton D.T. pursuant to adjournment.

Present.

Hon A. J. Edgerton Chief Justice and G. C. Moody & J. P. Kidder and S. A. Hudson Assoc. Justices.

Hugh J Campbell U S Attorney.

Jno B Raymond U S Marshal by C. A Gray Deputy.

Warren Osborn Crier

C Jensen and C. H. Smith Bailiffs

B S Williams Clerk.

The Court being duly opened the following proceedings were had. Viz:

The United States of America
Territory of Dakota } ss. No 100.

In the Supreme Court
Writ of Error to the First Judicial District Court.

United States
Defendant in Error
vs.
James Leighton
alias &c Plaintiff in Error

May Term, 1882

The writ of Error herein coming on to be heard at the May A. D. 1882 term of this Court. Present A. J. Edgerton, Chief Justice, and G. C. Moody, J. P. Kidder and S. A. Hudson, Associate Justices, and the same having been argued by Bartlett Tripp Esq. Counsel for the plaintiff in Error and by Hugh J. Campbell Esq. U. S. Atty for the defendant in Error and the Court having fully advised thereof and perceiving no Error in the record from the said First Judicial District Court in this cause. It is therefore this Eighteenth day of May One thousand Eight Hundred and Eighty two all the said premises and the record therein being by the Court fully seen, now here considered ordered and adjudged that the judgment of the said District Court within and for the said First Judicial District of Dakota Territory in said cause of the United States against James Leighton be and the same is hereby in all respects affirmed.

And it is further ordered in this cause, that the record herein be remanded to the said First Judicial District Court

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U. S. Supreme Court, May Term A.D. 1882. 9th Day of Term.

Thursday May 18th 1882 Continued

and that the said District Court fix a day for the execution of said judgment that the said judgment be executed according to law and that the said District Court proceed therein in all respects as by Law required. — By the Court

All of the Justices
Concurring. —

A. J. Edgerton
Chief Justice of
Supreme Court D. T.

The United States of America } ss
Territory of Dakota

No. 101.

In the Supreme Court

Writ of Error to the Second Judicial District Court

United States
Defendant in Error
-vs-
Ma-to-a-hi-ti-te otherwise
Mnoon and called in the English
language as Brave Bear alias
Wa. pe. pe Plaintiff in Error

May Term 1882

The writ of Error herein coming on to be heard at the May A. D. 1882 term of this Court. Present A. J. Edgerton, and G. C. Moody, J. P. Kidder and S. A. Hudson Associate Justices, and the same having been argued by Oliver Shannon Esq. Counsel for the plaintiff in Error and by Hugh J. Campbell Esq. U. S. Atty for the Defendant in Error and the Court being fully advised thereof and perceiving no error in the record from the said Second Judicial District Court in this cause. It is therefore this Eighteenth day of May One Thousand Eight Hundred and Eighty Two all the said premises and the record therein being by the Court fully known, seen here considered, ordered and adjudged that the judgment of the said District Court within and for the said Second Judicial District of Dakota Territory in said cause of the United States against Ma-to-a-hi-ti-te otherwise Brave Bear be and the same is hereby in all respects affirmed

And it is further ordered that the cause with the record herein be remanded to the said Second Judicial District Court. And that the said District Court fix a day for the execution of said judgment that the said judgment be executed according to law and that the said District Court proceed therein in all respects as by law required.

By the Court

A J Edgerton
Chief Justice of Supreme Court D. T.

All of the Justices
Concurring.

The United States of America }
Territory of Dakota } ss. No. 102

In the Supreme Court

Writ of Error to the Second Judicial District Court.

United States
Defendant in Error

vs.

Harvey W. Brooulton
Indicted as George
Brooulton Plaintiff in Error } May Term 1882

The writ of Error herein coming on to be heard at the May A. D. 1882 term of this Court. Present A. J. Edgerton, Chief Justice, and P. C. Moody, J. P. Bidder and S. A. Hudson, Associate Justices, and the same having been argued by Bartlett Tripp & J. R. Gamble Esqrs for the plaintiff in Error and by Hugh J. Campbell U. S. Atty for the Defendant in Error and the Court having fully advised thereof and being of opinion that Error exists in the record herein from the said Second Judicial District Court in this cause. It is Therefore this 18th day of May One Thousand Eight Hundred and Eighty Two all the said premises and the record herein being by the Court fully known, now here considered ordered and adjudged that the judgement of the said District Court within and for the said Second Judicial District of Dakota Territory in said cause of the United States against Harvey W. Brooulton indicted as George Brooulton be and the same is hereby in all respects Reversed and a New trial upon said indictment is ordered awarded

And it is further ordered that the cause with the record herein be remanded to the said Second Judicial District Court with direction to proceed to a New trial upon the indictment herein against said Harvey W. Brooulton and to take further proceedings therein according to law and the judgment of this Court

All of the Justices concurring

By the Court
A. J. Edgerton
Chief Justice of Supreme Court D. T.

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U. S. Supreme Court, May Term A.D. 1882. 5th Day of Term.

Thursday May 18th 1882 Session resumed

The United States of America
Territory of Dakota } vs. No 103.

In the Supreme Court

Writ of Error to the Second Judicial District Court

United States
Plff in Error

vs.

John D Cameron
Deft in Error

Indictment No 7.
of Nov 1881 Term of Dist. Court
May Term, 1882

The writ of Error herein coming on to be heard at the May A. D. 1882 term of this Court. Present A. J. Edgerton, Chief Justice, and S. C. Woody, J. P. Bidder and L. A. Hudson, Associate Justices. and the cause having been argued by Hugh J. Campbell Esq. United States Atty for the plaintiff in Error and by Bartlett Tripp & C. W. Bean Esq.' for the defendant in Error and the Court being fully advised thereof and being of opinion that no error exists in the record herein from the said Second Judicial District in this Cause. It is therefore this Eighteenth day of May One Thousand Eight Hundred and Eighty Two all the said premises and the record herein being by the Court fully known, now here considered ordered and adjudged that the judgement of the said District Court nether and for the said Second Judicial District of Dakota Territory in said case of the United States against John D Cameron be and the same is hereby in all respects affirmed And it is further ordered that the cause with the record herein be remand to the said Second Judicial District Court

All of the Justices
Concurring.

By the Court

A J Edgerton
Chief Justice of Supreme Court D. T.

The United States of America
Territory of Dakota } vs. No 104

In the Supreme Court

Writ of Error to the Second Judicial District Court

The United States
Plff in Error

vs

Lourdis P. Parsons
Deft in Error

May Term 1882

The writ of Error herein coming on to be heard at the May A D 1882 Term of this Court. Present A. J. Edgerton, Chief

Justice, and F. C. Moody, J. P. Bidder and S. A. Hudson, Associate Justices, and the same having been argued by Hugh J. Campbell Esq. United States Attorney for the plaintiff in Error and by Bartlett Tripp & C. W. Bacon Esqs for the defendant in Error and the Court having fully advised thereof and being of opinion that Error exists in the record herein from the said Second Judicial District Court in this cause. It is therefore this 18.th day of May One Thousand Eight Hundred and Eighty two all the said premises and the record herein being by the Court fully known, now here considered ordered and adjudged that the judgment of the said District Court therein and for the said Second Judicial District of Dakota Territory in said Cause of the United States against Curtis P. Parsons be and the same is hereby in all respects Reversed so far as it sustains the demurrer to the Third Count of said indictment only

And it is further ordered that the Cause with the record herein be remanded to the said Second Judicial District Court with direction to overrule the demurrer to said Third Count of the said indictment, to allow the defendant to plead thereto & to take such further proceedings as provided by Law

Edgerton C. J
dissenting

By the Court
A. J. Edgerton
Chief Justice of Supreme Court D. T.

The United States of America }
Territory of Dakota } ss

No. 105

In the Supreme Court

Writ of Error to the Second Judicial District Court

The United States
Plff in Error
vs.
Dudley J. Spaulding
Defs in Error

May Term 1882

The writ of Error herein coming on to be heard at this May A.D. 1882 term of this Court. Present A. J. Edgerton, Chief Justice, and F. C. Moody, J. P. Bidder and S. A. Hudson, Associate Justices, and the same having been argued by Hugh J. Campbell Esq. United States Atty for the plaintiff in Error and by Bartlett Tripp & C. W. Bacon Esqs for the defendant in Error and the Court having fully advised thereof and being of opinion that

U. S. Supreme Court, May Term A.D. 1882. 7th Day of Term.
Thursday May 18th 1882 Continued

Error exists in the record herein from the said Second Judicial District Court in this cause. It is therefore this 18th day of May One Thousand Eight Hundred and Eighty Two all the said premises and the record herein being by the Court fully known, now here considered ordered and adjudged that the judgment of the said District Court within and for the said Second Judicial District of Dakota Territory in said cause of the United States against Dudley F. Spaulding be and the same is hereby in all respects reversed

And it is further ordered that the cause with the record herein be remanded to the said Second Judicial District Court with directions to overrule the Demurrer to the said Indictment herein and allow the defendant to plead thereto and to take such proceedings thereon as by law provided

By the Court

Chief Justice dissenting.—

A. J. Edgerton
Chief Justice of Supreme Court D. T.

The United States of America
Territory of Dakota } vs.

No. 106.

In the Supreme Court

Writ of Error to the Second Judicial District Court

United States
Plff in Error
vs.
John D. Cameron
Defdt in Error

May Term 1882

The writ of Error herein coming on to be heard at the May A.D. 1882 Term of this Court. Present A. J Edgerton, Chief Justice, and P. C. Moody, J. P. Bidder and S. A. Hudson, Associate Justices and the same having been argued by Hugh J. Campbell Esq. United States Atty for the plaintiff in Error and by Bartlett Tripp, & C. W. Bacon Esqs for the defendant in Error and the Court having fully advised thereof and being of Opinion that error exists in the record herein from the said Second Judicial District Court in this cause. It is therefore this 18th day of May One Thousand Eight Hundred and Eighty two all the said premises and the record herein being by the Court fully known, now here considered, ordered, and adjudged that the judgment of the said District Court within and for the said Second Judicial District of Dakota Territory in said cause of the United States against John D. Cameron be

Continued

and the same is hereby in all respects reversed

And it is further ordered that the cause with the record herein be remanded to the said Second Judicial District Court with direction to cause to come before said Court said John D Lawrence, and to sustain said demurrer to the first Count of said Indictment, and to overrule it as to the second Count thereof, & take such further proceedings as by law provided

Attest B. J Williams
Clerk
Chief Justice Edgerton
dissenting

By the Court
A J Edgerton
Chief Justice of Supreme Court D.T.

The United States of America
Territory of Dakota } vs. No 116

In the Supreme Court

Writ of Error to the Fourth Judicial District Court in and for Minnehaha County.

Territory of Dakota
Defendant in Error

vs.

Thomas Egan
Plaintiff in Error } May Term, 1882

The writ of Error herein coming on to be heard at the May A. D. 1882 Term of this Court. Present A. J Edgerton, Chief Justice, and G. C. Moody, J. P. Kidder and S. A. Hudson, Associate Justices, and the same having been argued by L. S. Dorsey Esq. Counsel for the plaintiff in Error and by E. Peterson Esq. & J. W. Cutler Dist Atty for the defendant in Error and the Court having fully advised thereof and perceiving no Error in the record from the said Fourth Judicial District Court in this Cause. It is Therefore this 18th day of May One Thousand Eight Hundred and Eighty two all the said premises and the record herein being by the Court fully seen, now here Considered, Ordered and adjudged that the judgment of the said District Court within and for the said Fourth Judicial District of Dakota Territory in said Cause of the Territory of Dakota against Thomas Egan be and the same is hereby in all respects affirmed

And it is further ordered that the cause with the record herein be remanded to the said Fourth Judicial District Court, but said Court is directed to fix a day for the execution of the said judgment, that the said judgment be executed according to law, & that the said District Court proceed therein in all respects as

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U. S. Supreme Court. May Term A.D. 1882. 9th Day of Term.

Thursday May 18th 1882 Continued

By law required

By the Court

All of the Justices

Concurring.

A J Edgerton

Chief Justice of Supreme Court D. T.

The United States of America }
Territory of Dakota } ss.

No 79

In the Supreme Court

Appeal from the District Court of Burleigh County

E. D. Williams

Plaintiff & Respondent

vs

Northern Pacific Rail Road Co.

Defendant & Appellant

May Term, 1882

This action coming to be heard at the May A. D. 1882 term of said Supreme Court at the Supreme Court Room, in the City of Yankton D. T.

Present: A J Edgerton, Chief Justice, and E. C. Moody, J. P. Bennett and S. L. Hudson, Associate Justices; and the appeal herein having been argued by Mr. George P. Flannery for the Appellant, and by Mr. Preston by written agreement for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged that the judgment of the said District Court within and for said Burleigh County, appealed from herein, be and the same is hereby reversed and that a New Trial of said action be had in the District Court.

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged that the Northern Pacific Railroad Co have and recover of the Plff, Respondent its Costs and disbursements on this appeal expended taxed and allowed at

All of the Justices
Concurring

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

The United States of America }
Territory of Dakota } ss. No 110

In the Supreme Court

Appeal from the District Court of Yankton County

Arthur I. Gerrish
Plaintiff & Appellant
vs.
Leonidas M. Pierce
Administrator &c
Defendant Respondent

May Term 1882

This Action coming on to be heard at the May A. D. 1882 Term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A. J. Edgerton, Chief Justice, and P. C. Moody, J. P. Bilder and S. A. Hudson, Associate Justices; and the appeal herein having been argued by N. J. Cramer Esq. for the Appellant, and by C. J. B. Harris Esq for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged that the judgment of the said District Court within and for said Yankton County, appealed from herein be and the same is hereby in all things affirmed.

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged that the deft & Respondent have and recover of the Pltff & Appellant his costs and disbursements on this appeal expended, taxed and allowed at Eighty dollars & Ten cents—

All the Justices
Concurring

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

The United States of America } ss. No 107.
Territory of Dakota }

In the Supreme Court

Appeal from the District Court of Lake County

Arnold Smith
vs. Plaintiff & Respondents
H. Paul
Fire & Marine
Insurance Company
Defendant & Appellant

May Term 1882

This Action coming on to be heard at the May A.D. 1882 Term

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U. S. Supreme Court. May Session A.D. 1882. 3rd Day of Term.

Wednesday May 15th 1882 Continued

of said Supreme Court at the Supreme Court Room, in the City of Yankton.

Present: A. J. Edgerton, Chief Justice, and S. C. Moody, J. P. Kidder and J. of Shelton, Associate Justices; and the appeal herein having been submitted by Wilson & Bell Esqrs Attorneys for the Appellant, and by H. J. Miller Esq. Attorney for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Cass County, appealed from herein be and the same is hereby affirmed And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that Arnold Smith the Respondent herein do and recover of the Defts Appellant his costs and disbursements on this appeal expended, taxed and allowed at Fifteen Dollars and fifty Cents.

By the Court

A J Edgerton

Chief Justice Supreme Court, D. T.

In the Supreme Court

In the United States of America } ss. No 109.
Territory of Dakota }

Appeal from the District Court of Minnehaha County

Samuel H. Talbott
Plaintiff, Respondent
vs.
Nelson F. Tettgreen
Defendant, Appellant

May Term, 1882

This action coming on to be heard at the May A. D. 1882 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice, and S. C. Moody, J. P. Kidder and J. of Shelton, Associate Justices; and the appeal herein having been argued by C. A. Lovejoy Esq. for the Appellant and by F. L. Joyce Esq. for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Minnehaha County, appealed from herein, be and the same is hereby in all things affirmed

And it is further ordered that this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that the said Plaintiff & Respondent have and recover of the Defendant & Appellant his costs and disbursements on this appeal expended; taxed and allowed at Twenty Eight Dollars & Sixty Cents.

All of the Justices
Concurring.

By the Court
A J Edgerton
Chief Justice Supreme Court, D T

The United States of America }
Territory of Dakota } ss. No 112

In the Supreme Court

Appeal from the District Court of Yankton County

Joseph W. Campbell
Plaintiff & Appellant
vs
Charles Vambole
et al Defendants & Respondents

May Term, 1882

This Action coming on to be heard at the May A.D. 1882. term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice, and C. C. Moody, J. P. Bennett and S. A Hudson, Associate Justices, and the appeal herein having been argued by Bartlett Tripp Esq for the Appellant, and by W. F. Cramer Esq. for the Respondents and the Court having advised thereon, it is now here considered, ordered, and adjudged, that the judgment of the said District Court within and for said Yankton County, appealed from herein, be and the same is hereby Reversed, & said district Court is ordered and directed to overrule the demurrer to the complaint herein and allow defendants thirty days to answer the same & to take further proceedings therein as by law provided

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that said Plff & Appellant have and recover of the Respondents his costs and disbursements on this Appeal expended; taxed and allowed at Thirty two Dollars and Sixty five cents

All of the Justices
Concurring

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

U. S. Supreme Court. May Term A.D. 1882. 9th Day of Term.

Thursday May 18th Continued

The United States of America } No. 118
Territory of Dakota } vs.

In the Supreme Court

Appeal from the District Court of Burleigh County

Clayton D. Herbert
Plaintiff & Respondent
Northern Pacific Rail Road } May Term, 1882
Company Defendant & Appellants

This Action coming on to be heard at the May A. D. 1882 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A J Edgerton Chief Justice, and S. C. Woody, J. P. Kidder and I. A Hudson, Associate Justices; and the appeal herein having been argued by W. P. Clough Esq. for the Appellants, and by Thomas Wilson Esq. for the Respondent, and the Court having advised thereon, it is now here considered, ordered, and adjudged, that the judgment of the said District Court within and for said Burleigh County, appealed from herein be and the same is hereby in all things affirmed.

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that the Pltff & Respondent have and recover of the Defts & Appellant his costs and disbursements on this Appeal expended: taxed and allowed at Nine Dollars and twenty five cents ($9.25).

All the justices concurring

By the Court
A J Edgerton
Chief Justice Supreme Court, D. T.

No. 113

In Supreme Court

Territory of Dakota

John J. Overfield, William L. Russell and Herbert M. Carpenter, Copartners doing business under the firm name and style of Overfield Russell & Carpenter
Pltffs & Appellants
vs.
Peter Brown, Defendant & Respondent

This cause coming on to be

heard in its order upon the Calendar of the May Term of said Court A.D. 1882.

Present the Honorable A. J. Edgerton Chief Justice and Associate Justices J.P. Ridden G.C. Moody and S.A. Hawkins and the Officers of said Court—

And it appearing to the Court that an Appeal in this action was duly perfected from the District Court in and for Lawrence County. First Judicial District to this Court on the fourth day of December A.D. 1881. That more than twenty days has elapsed since the perfection of said appeal and that the defendant the Appellant in this Action has failed to cause a certified copy of the notice of Appeal and of the judgment roll. Transmitted to this Court by the Clerk of said District Court with whom said notice of appeal. And the plaintiffs the Respondents have having caused a certified copy of said notice of appeal and of said judgment roll to be transmitted to this Court as required by Law and the Rules of this Court—

And the Appellant having appeared in this Court and moved the said Action - and the Defendant - the Respondent herein not appearing but making default herein. And the Court being duly advised in the premises it is now on motion of Bartlett Tripp. Attorneys for Appellant

Ordered and adjudged that the Judgment entered in this Action on the twenty Ninth day of November A.D. 1881 in the District Court in and for the County of Lawrence. First Judicial District. be and the same is hereby in all respects affirmed and it is further ordered and adjudged that the Respondents have and recover of the Defendant - Appellant here. their costs and disbursements in this behalf taxed and allowed at Ten Dollars and Ten Cents

May 18th 1882.

By the Court
A. J. Edgerton
Chief Justice

Attest S. I. Williams
Clerk

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U. S. Supreme Court, May Term A.D. 1882. 9th Day of Term.

Thursday May 18th 1882 Court Sitting

In the Supreme Court of Dakota Territory, at a term thereof begun and held at Yankton in the 9th of May A.D 1882.

Present: The Honorable A.J. Edgerton Chief Justice, and S.L. Woody, J.P. Rickter and J.A. Henderson Associate Justices thereof.

The following order was made and entered of record to Wit:

Whereas B.J. Williams Clerk of the Supreme Court has rendered to this Court an account of his fees, at the adjourned October Term of 1881. and regular Term of May 1882 with the items thereof and is the presence of Hugh J Campbell Esq U S Attorney has proved on oath, to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated.—

And whereas said charges appear to be just and according to law. It is hereby ordered that the said account amounting to Sixty Dollars, be and the same is hereby approved.—

By the Court
A.J. Edgerton
Chief Justice

United States
Plaintiff in error
Frank T. Ecker
Deft in error
In the Supreme Court
of Dakota Territory
at May Term 1882.

The defendant in Error, by his Attorney, moves for an order directing a re-argument in this case at the next Term, — and for an order staying proceedings and directing the Clerk to refrain from remitting the record until otherwise ordered

P.C. Shannon
Atty for Deft in Error

Supreme Court
Territory of Dakota

Felix L. Garrison
Appellant
v.
Lucinda H. Beverly as administratrix of the Estate of James H. Stone dec'd
Defendant

U. S. Supreme Court, May Term A.D. 1882. 18th Day of Term.
Continued

This Action having been heard, and the judgment of the District Court of Davidson County, therein having been affirmed by this Court, Now comes H Cramer, Attorney for the Appellant and moves this Court for a rehearing of said Action and that the proceedings in this Action be stayed until the next Term of this Court
May 18. 1882

H Cramer
Attorney for Appellant

Leave is granted to file this motion for a rehearing and stay further proceedings herein and stay until the first day of the next term of this Court
May 18 1882

A J Edgerton
Chief Justice

U. S. Supreme Court, May Term A.D. 1882. 9th Day of Term. Continued

Thursday May 18th 1882.

8th 114

In Supreme Court

Territory of Dakota

John Murder Brennan Lee
David Schofield, Carl Miller
Copartners as Murder Lee & Co
Plff, Respondents

vs

Porter Warner
Defendant & Appellant

At a general term of said Court held at the Supreme Court Room in the City of Yankton in the Territory of Dakota. Commencing on the 9th day of May A.D. 1882

Present Hons A J Edgerton, and J. P. Kidder, E. C. Moody and S. A Hudson Associate Judges and the Officers of said Court

Judgment having been rendered in this action on the 17th day of September A.D. 1881 in favor of the plaintiffs and against the defendant. And the defendant having prefected his appeal to this Court from said Judgment on the 22d day of November A.D. 1881. by serving upon the plaintiffs and filing with the Clerk of said District Court a notice of Appeal and undertaking for costs, as required by law and the rules of this Court. And more than twenty days having elapsed since the perfection of said Appeal and the defendant Appellant here having failed to cause the Requisite papers to be transmitted to the Supreme Court as required by law and the Rules of this Court. And the Respondents having moved to dismiss said appeal. for failure to transmit said papers. and proof of his said appeal, and it appearing to the Court that due notice of said Motion has been given to the Appellant. And such Motion coming on to be heard. And the Court being fully advised in the premises. it is now on motion of Bartlett Tripp of attorneys for Respondents

Ordered that said Motion be granted and the Appeal be and the same is hereby dismissed. And the Clerk of this Court is required to remit this Order and Judgment to the Clerk of the District Court in and for Lawrence County in said First Judicial District. And it is further ordered and adjudged that the respondents have and recover of the Appellant Porter Warner their costs in this behalf. taxed and allowed at Eight Dollars and fifteen Cents

May 18th 1882 By the Court
S. A. Perkins
Clerk

A J Edgerton
Chief Justice

Attest

U. S. Supreme Court, May Term A.D. 1882. 2nd Day of Term.

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In Supreme Court

Dakota Territory

No 115

John Marder. Benjamin Lee
David Hofield and Carl Miller
Plaintiffs & Respondents

vs

Peter Warner
Defendant & Appellant

At a general term of said Court held at the Supreme Court Room in the City of Yankton in the Territory of Dakota. Commencing on the Ninth day of May A. D. 1882. Present. Hons A. J. Edgerton. Chief Justice. and J. P. Kidder. P. C. Moody and S. A Hudson. Associate Judges and the Officers of said Court. Judgment having been entered in this Action on the 28th day of November A D 1881. in favor of the plaintiffs and against the defendant. and the defendant having perfected his appeal to this Court from said judgment on the 14th day of December A. D. 1881. by serving upon the plaintiffs and filing with the Clerk of said District Court a notice of Appeal and undertaking for costs. as required by law and the rules of this Court. and more than twenty days having elapsed since the perfection of said Appeal and the defendant-Appellant having failed to cause the Requisite papers to be transmitted to the Supreme Court as required by law and the rules of Court and the Respondents having moved to dismiss said appeal - for failure to so transmit said papers and it appearing to the Court that due notice of said motion has been given to the Appellant. and such motion coming on to be heard and the Court being fully advised in the premises. it is now on motion of Bradley Tripp & attorneys for Respondents

Ordered that said motion be granted and the Appeal be and the same is dismissed. and the Clerk of this Court is required to remit this order and judgment to the Clerk of the District Court in and for Lawrence County in said first Judicial District. and it is further ordered and adjudged that the Respondents have and recover of the Appellant Peter Warner their costs in this behalf taxed and allowed at Seven dollars & fifteen cents

May 18' 1882
B. J. Williams
Clerk

By the Court
A J Edgerton
Chief Justice

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U. S. Supreme Court. May Term A.D. 1882. 7th Day of Term.

Thursday May 18th 1882 Continues

The United States of America } vs. } No 120.
Territory of Dakota

In the Supreme Court

West of River & the Second Judicial District Court

United States
vs
Frank J. Lister
Plff in Error

May Term. 1882

This cause coming on to be heard at the May A. D. 1882 Term of this Court. Present A. J. Edgerton, Chief Justice, and P. C. Shannon & J. A. Hudson, Associate Justices, and the same having been argued by Hugh J Campbell Esq. U. S. Atty for the plaintiff in Error and P. C. Shannon Esq. for the defendant in Error and the Court having fully advised thereof and being of opinion that error exists in the record brought to this Court from the said Judicial District Court in this cause. It is therefore this 18th day of May One Thousand Eight Hundred and Eighty two at the said premises and record herein being by the Court fully known, now here considered and adjudged that the judgment of the said District Court within and for the said Second Judicial District of Dakota Territory in said cause of the United States against Frank J. Lister be and the same is hereby in all respects reversed

And it is further ordered that the cause with the record herein be remanded to the said Second Judicial District Court with directions to take such further proceedings as by law provided and as shall be proper therein, —

All the Justices
Concurring

By the Court
A J Edgerton
Chief Justice of Supreme Court D. T.

The United States of America } vs. } No 108
Territory of Dakota

In the Supreme Court

Appeal from the District Court of the Second Judicial District

Frazer Lees and
Wm. Bordett
Libellants & Appellees
vs
Steamboat Jas. Jerry
& Tackle &c Respondent

May Term 1882

This Action coming to be heard at the May A. D. 1882 Term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Continued

Present: A. J. Edgerton, Chief Justice, and P. C. Woody, J. P. Bartlett and S. A. Hudson, Associate Justices; and the appeal herein having been argued by Bartlett Tripp Esq? for the Appellants, and J. B. Shannon & N. J. Cramer Esq? for the Respondents, and the Court having advised thereon, it is now here considered, ordered, and adjudged that the judgment of the said District Court within and for said Second Judicial District appealed from herein, be and the same is hereby in all things affirmed

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that the Respondents have and recover of the Appellants his costs and disbursements on this appeal expended, taxed and allowed at Eight dollars and seventy cents

All of the Justices
concurring

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

In the Supreme Court
Territory of Dakota

No 108

James Rees Libellant's
& Blatt, Breedlove Appellants
vs
Steamboat General Terry
Walter L Burleigh and
Walter L Burleigh Jr.
Claimants & Respondents

The above named Libellants conceiving themselves aggrieved by the final decree and judgement of Affirmance entered in this Court on the 18th day of May A D 1882 in the above entitled cause does hereby appeal therefrom to the Supreme Court of the United States. And they pray that their appeal may be allowed and that a transcript of the record proceedings and evidence and exceptions in the cause duly authenticated may be sent to the Supreme Court

Bartlett Tripp
Proctor for Libellants

And now the same day to wit this 18th day of May A.D. 1882 it is ordered that the appeal prayed for be allowed

U. S. Supreme Court, May Term A.D. 1882. 9th Day of Term.
Thursday May 18th 1882 Continues

which is accordingly done
By the Court
A J Edgerton
Chief Justice

In Supreme Court
Dakota Territory

James Rees and
Platt, Burdett
Libellants, Appellants
vs
Steamboat General Terry —
Walter A Burleigh and
Walter A Burleigh &
Claimants, Respondents

No 108

And now this 18th day of May A.D. 1882. the Judgment appealed from herein having been affirmed, and the Libellants desiring to appeal thereon to the Supreme Court of the United States It is Ordered that the said Libellants have thirty days after the filing of the findings of fact and conclusions of law herein in which to make and file a bill of exceptions and perfect such appeal. That such exceptions be settled by the Chief Justice and filed as of this date — and in the meantime let all the proceedings be stayed

May 18/82

By the Court
A J Edgerton
Chief Justice

The United States of America } ss
Territory of Dakota }

No 99

In the Supreme Court

Appeal from the District Court of Burl County

Warren A Peck
Rail Road Company
Plaintiff, Respondent
vs
The County of Burl
et al Defendants, Appellants

} May Term. 1882

This Action coming on to be heard at the May A.D. 1882 term of said Supreme Court at the Supreme Court Room, in the City of Yankton D.T.

Present: A. J. Edgerton, Chief Justice, and T. C. Moody, J. P. Pritchett

and J. A Hudson, Associate Justices, and the appeal herein having been argued by Galusha Pierson Esq for the Appellant and by Thomas Wilson for the respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Deel County, appealed from herein, be and the same is hereby in all things affirmed

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court.

And it is further considered and adjudged, that said Pltf's Respondents have and recover of the Defts, Appellants his costs and disbursements on this appeal expended, taxed and allowed at

Associate Justice Moody
dissenting

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

Territory of Dakota
In Supreme Court
The Wilson and St Peter
Railroad Company
vs
The County of Deel
et al

No 99

On the hearing and decision of this case, ordered that this Court adopt and it does hereby adopt, as its own deed and affirm the findings of fact of the District Court herein numbered one to fifteen, inclusive, being the entire findings of fact of said Court in this Case. And in case of appeal by either party the Clerk of this Court is directed to Certify the same, and this order according

Dated this 9th May
A.D. 1882

By the Court
A J Edgerton
Chief Justice

Territory of Dakota
In Supreme Court
The Wilson and St Peter
Railroad Company
vs
The County of Deel
et al

No 99

An appeal to the Supreme Court of the United States from

been staged by the above named Defendants
the sum of this day allowed in open Court upon said Appellants
giving a bond in the sum of One Hundred dollars with security to
be approved by the Chief Justice of this Court
dated this May
6th 1852.

By the Court
A. J. Edgerton
Chief Justice

U. S. Supreme Court, S. D. 18 . Dwy & Term. 5'67

Clayton D. Herbert
against
Northern Pacific R. R. Co.

Bond on Appeal
Filed May 25 1882
Clerk Supreme Court

Writ of error issued
May 25 1882
Filed May 25 1882
Clerk Supreme Court

In the Supreme Court of the Territory of Dakota

Clayton. D. Herbert Plaintiff

vgst

Northern Pacific Railroad Company Defendants

Know all men, By these presents, that We, Patrick H. Kelly and W. P. Clough Sureties of the Northern Pacific Railroad Company the Defendant above named, are held and firmly bound unto Clayton. D Herbert the Plaintiff above named in the full and just sum of Fifteen Thousand Dollars, to be paid to the said Herbert, his Executors, Administrators, or Assigns, to which payment well and truly to be made, We bind ourselves, our Heirs, Executors and Administrators jointly and severally, by these presents. Sealed with our seals and dated this twenty fifth day of May A. D. One Thousand, Eight Hundred and Eighty two.

Whereas, lately in a suit depending in the said Court between the parties above named, judgement was rendered against the said Defendant, and the said defendant having obtained a Writ of Error, and filed a Copy thereof in the Clerk's Office of said Court, to reverse the said judgment in the aforesaid suit, and a citation directed to the said Clayton. D. Herbert, citing and admonishing him to be and appear at a Supreme Court of the United States to be holden at Washington the second Monday of October. A. D. One Thousand eight Hundred and eighty two.

Now therefore, the condition of the above obligation is such that if the said Northern Pacific Railroad Company shall prosecute the said writ of Error to effect and shall answer all damages and costs if it shall fail to make its said plea good, then the above obligation to be void else to remain in full force and virtue. Patrick H. Kelly. Seal
W. P Clough Seal

State of Minnesota }
Ramsey County } ss. Personally came before the undersigned a Notary public in and for the said County, Patrick H. Kelly and Wm P. Clough the parties in the foregoing instrument and each of them having been first duly sworn did depose and say that he is a resident freeholder in the State of Minnesota and worth the penalty named in the said bond over and above all debts liabilities and exemptions except from levy and sale under execution

P. H. Kelly
Wm P Clough

Subscribed and sworn to
before me this 25th day of May
A.D. 1882

(L. S.) Daniel B Merrill
Notary Public
Ramsey Co.

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11 A. Supreme Court Adj'd May Term A.D. 1882. 10 Days of Term.

Thursday June 15th 1882.

Court met at the Court Room in the City of Jamestown Dakota Territory pursuant to adjournment.

Present

Hon A J. Edgerton Chief Justice

B A Williams Clerk.

Whereupon the following order was filed and entered of record to wit

Territory of Dakota }
Supreme Court }

It is hereby ordered that the adjourned term of the above Court be and the same is hereby adjourned to July 20th 1882.

Dated this June 15th 1882.

A J. Edgerton
Chief Justice of the
Supreme Court of Dakota.

Attest B. A. Williams
Clerk.

U. S. Supreme Court Adj'd May Term A.D. 1882. 11th Day of Term.

July 20th 1882.

Court met at the Court Room in the City of Jamestown Dakota Territory pursuant to adjournment

Present

Hon A J Edgerton Chief Justice
H J Campbell Esqr U S Attorney.
J B Raymond U S Marshal by C A Gray Deputy.

The Court being duly opened the following proceedings were had.

Arnold Smith
Plff & Respondent
vs
Saint Paul Fire & Marine Insurance Co. Appellant

No 104

Opinion of the Court by Rudeen J. published, filed and entered of record, this 20th day of July 1882.

The United States
Defendant in Error
vs
James Leighton Etc et al
Plff in Error

No 105.

Opinion of the Court by Moody J. published, filed & entered of record this 20th day of July 1882.

And now this 20th day of July A.D. 1882. It is hereby ordered that the adjourned term of the above Court do meet on the 20th day of July 1882, be, and the same is hereby adjourned do meet on the 11th day of September 1882, at 10 o-clock in the forenoon of said day.

Attest B S Williams
Clerk

A J Edgerton
Chief Justice Supreme Court
of Dakota.

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Adjd May Term A.D. 1882. 12th day of June.

Monday Sept 11th 1882

Court met pursuant to adjournment.

Present

Hon A J. Edgerton Chief Justice.
Hon Asa Osborn Dept Marshal.

Court being duly opened the following proceedings were had.

In Supreme Court
Territory of Dakota.

James Rees and
Blatt & Bauerdorf
Libellants & appellants
vs
The Steamboat Gen Terry
Walter A Burleigh and
Walter A Burleigh Jr
Claimants & Respondents

No 108.

To A J Bruner & P. C Shannon Attorney for Gracie & Clements.

You will please take notice that the appellants. James Rees & Blatt & Bauerdorf will at an adjourned term of said Supreme Court to be held at the Supreme Court room in the City of Yankton in the Court House in said City on Monday the 11th day of September A.D. 1882. in accordance with the order of said Court entered herein. present to the Chief Justice of said Supreme Court at ten o-clock in the forenoon of said day or as soon thereafter as Counsel can be heard their bill of exceptions to be settled and allowed by him. — . Yours &c

Bartlett Tripp. Atty & Proctr
for Libellants Appellants

In Supreme Court
Dakota Territory.

James Rees & Blatt & Bauerdorf
vs
The Steamboat Gen Terry Walter A Burleigh
and Walter A Burleigh Jr Claimants

No 108.

Present Hon A J Edgerton Chief Justice.

The settlement of exceptions in above cases being brought up this 11th day Sept 1882 at 10 A.M. A.C. Davis appearing for

U. S. Supreme Court, Adj's May Term A.D. 1882. 12th Day of Term.
Continued

Libellants + appellants + N J Cramer Esq for Claimants + Respondents
Ordered that the Settlements of the said exceptions be postponed until
an adjourned term of this Court to be held on Saturday September
16th, 1882 at 10 A.M.
Dated Sept 11th 1882

By the Court
A J. Edgerton
Chief Justice

To which N J Cramer Esq attorney for Claimants excepts -
A J. Edgerton
Chief Justice.

And now Court is adjourned until Saturday the 16th day
of September 1882 at 10 o-clock in the forenoon of said day.

Attest B S. Williams
Clerk

Saturday Sept 16th 1882

Court met at the Court Room in the City of Yonkers N.Y. pursuant to adjournment.

Present

Hon A J. Edgerton Chief Justice
Warren Olcott Deputy Marshal
B J Williams Clerk

Court being duly opened the following proceedings were had.

The United States
Plff in Error
vs
Dudley J. Spaulding
Deft in Error
} No 104

Opinion of the Court by Moody J. published and filed, and entered of record this 16th day of September AD 1882.

Thomas Reed et. al.
vs
Steamer Ben Terry
} No 108.

Opinion of the Court by Moody J. published filed and entered of record Sept 16th 1882.

Clayton D. Herbert
vs
The Northern Pacific Railroad Company
} No 118.

Opinion of the Court by Hoadley J. in the above cause, heretofore filed, is this 16th day of September 1882 published entered of record.

Thomas Reed et. al.
vs
Steamer Ben Terry
} No 108

U. S. Supreme Court, ~~October Term~~ A. D. 1882. 1st Day of Term.

~~Tuesday October 3rd 1882.~~

In Supreme Court
Dakota Territory.
Isaac Rees and Blatt & Burdett Libellants & Appellants
vs
The Steamboat General Terry her tackle &c. and Walter A Burleigh & Walter A Burleigh Jr. Claimants, respondents,

Know all Men by these presents That We S. B. Coulton and John L Pennington of the Territory of Dakota are held and firmly bound unto Walter A Burleigh and Walter A Burleigh Jr. Claimants above named in the sum of four hundred dollars to be paid to the said claimants; for the payment of which well and truly to be made, We bind ourselves, and each of us, one and each of our heirs, Executors and Administrators, jointly and severally firmly by these presents sealed with our seals and dated this eighteenth day of May A.D. 1882.

Whereas the above named Appellants have prosecuted an Appeal to the Supreme Court of the United States, at the City of Washington in the District of Columbia, to reverse the judgment and decree rendered in the above cause by the Supreme Court of the Territory of Dakota

Now therefore the condition of this obligation is such, that if the above named Appellants shall prosecute their said appeal to effect and pay all costs that may be adjudged against them if they fail to make their appeal good then this obligation shall be void otherwise the same shall be and remain in full force and virtue

S B Coulton Seal
John L Pennington Seal

Territory of Dakota
Second Judicial District } Be it remembered that on this 26 Day of August A.D. 1882 personally came before me S. B. Coulton and John L Pennington well known to me to be the identical persons who are described in and who signed the foregoing obligation and severally acknowledged that they executed the same freely for the uses and purposes therein set forth.

Samuel A Boyle Clerk

United States of America
Dakota Territory
Second Judicial District } S. B. Coulton and John L Pennington

Each being duly sworn deposes and says and each for himself says, that he is a Resident and freeholder in said Second Judicial District Dakota Territory, and that he is worth the sum of One thousand dollars over and above all his just debts and liabilities and exclusive of property exempt from levy and sale on Execution

S. B. Coulton
John L. Pennington

Subscribed and sworn to before me this 26 day of August A.D. 1882.

Samuel A. Boyle Clerk

I approve the above bond and the sufficiency of the sureties thereto

A. J. Edgerton
Chief Justice
Supreme Court
Dakota Territory

In Supreme Court Territory of Dakota
Isaac Rees et al Libellants & Appellants
vs
Steamboat Gen. Terry &c. Claimants & Appellees
Filed this 26th day of September 1882
S. A. Boyle Clerk

U. S. Supreme Court Held at Deer Lodge C. T. 1882. 1st Day of Term.

Monday ~~May~~ October 2nd 1882.

Court met pursuant to adjournment
Present Hon A.J. Edgerton Chief Justice and Hon L.C. Woody J.
H.J. Campbell U.S. Attorney.
Harrison Allen U.S. Marshal by C.A. Gray Deputy.
Warren Osborn Crier

Court being duly opened the following proceedings were had.

Joseph W. Campbell
Appellant
vs
Charles Mansfield et al,
Respondents
No 112.
Appeal from Jefferson County.

Opinion of the Court by Edgerton C.J. in the above cause published, filed & entered of record this 2nd day of Oct 1882.

The United States
Defendant in Error
vs
Brave Bear
Plaintiff in Error
No 101
Error to the District Court Second Judicial District.

Opinion of the Court by Edgerton C.J. in the above cause, published, filed and entered of record this 2nd day of Oct A.D. 1882.

The United States
Plff in Error
vs
John D. Cameron
Deft in Error
No 103
Error to the Second Judicial District Court

Opinion of the Court by Edgerton C.J. in the above entitled cause, published, filed and entered of record this 2nd day of Oct 1882.

The United States
Plff in Error
vs
Dudley Spaulding
Deft in Error
No 105
Error to the Second Judicial District Court.

Dissenting Opinion of Hon A.J. Edgerton in the above cause published, filed, entered of record this 2nd day of Oct. 1882.

B.S. Wetherwax
Clerk

Court adjourned sine die.

U. S. Supreme Court,

A. D. 18 .

Day of Term.

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U. S. Supreme Court. October Term A.D. 1882. 1st Day of Term.

Tuesday October 3rd 1882.

Be it Remembered. That on this 3rd day of October A.D. 1882. it being the first Tuesday of October A.D. 1882. the Hon Supreme Court of Dakota Territory met at the Court Room in the City of Yankton. the Seat of Government of said Territory of Dakota. pursuant to Law.

Present

Hon A. J. Edgerton Chief Justice
" G. C. Moody Associate "
" J. P. Kidder do do
" S. A. Hudson do do
" H. J. Campbell U S Attorney
Harrison Allen U S Marshal
Warren Osborn Clerk
Henry W. Edgerton & C Morris Bailiffs
B. S. Williams Asst

Court being duly opened the following proceedings were had.

Territory of Dakota
In the Supreme Court
October Term A. D. 1882

In the matter of the admission of Adoniram J. Plowman and Tristram L. Skinner as Attorneys and Counsellors at Law at this Court.

Now on this the (3d) Third day of October. A. D. 1882 comes Hon. Wm H. Lagett an Attorney and Counselor of this Court that Adoniram J. Plowman and Tristram L. Skinner who have (each of them) been heretofore admitted to practice as Attorneys and Counselors at Law in the District Court of the First Judicial District of this Territory, and who are (each of them) citizens of said Territory be admitted and licensed to practice as Attorney and Counselor at Law of and in this Court

Wm H Lagett
Atty and Counselor
at Law

And on this the (3d) Third day of October. A. D. 1882. the hearing heard the above motion, and it appearing to the satisfaction of the Court, that the said Applicants Adoniram J. Plowman and Tristram L. Skinner, possess the requisite qualifications. It is ordered that said motion, and the same is hereby granted

And the said Applicants Adoniram J. Plowman, and Tristram

L. Skinner having in open Court, each, duly taken the oath prescribed by law it is further ordered that the said Alonzo an J. Plowman and Tristram L. Skinner be and each of them is hereby admitted and licensed to practice as an Attorney and Counselor at Law of and in this Court

A. J. Edgerton
Chief Justice

Supreme Court
Territory of Dakota
October Term 1882

And now this 3d day of October comes Hugh J. Campbell Atty at law into Court and moves the Court for the admission of Daniel H. Twomey Esq and Edwin Van Lie as Member of the Bar of the Court, and shows that the Twomey is a practising Lawyer of many years standing of the bar of the 3d judicial District, of the Bar of Iowa & of the Bar of the Supreme Court of the United States

Hugh J Campbell
U. S. Atty

And now same day the foregoing Motion having been filed and the Court being satisfied that Twomey postesses the requisite qualification

It is ordered that the said Daniel H Twomey and Edwin Van Lie be admitted and licensed to practice before the Court as Attorneys and Counsellors at Law of the same and that the requisite oath be administered to him and the same is done accordingly By the Court

A J Edgerton
Chief Justice

In Supreme Court
Dakota Territory
October Term AD 1882
In the matter of the Application of
B. A. Murray for admission to practice
in the Supreme Court of Dakota Territory

October 4th 1882. B. A Murray a practitioner duly admitted to practice Law in the District Court of the 4th Judicial District of the Territory of Dakota, and a Resident of Lake County in said Territory respectfully appears before said Court at an open Session thereof held at the Court Hou

U. S. Supreme Court Docket Term Oct. 1882. 1st Day of Term Continues

in the City of Hamilton, County of Hamilton, Territory aforesaid. and prays that he be admitted to practice law in the Supreme Court aforesaid. Your petitioner is a citizen of the United States. was in the age of Forty Four years, & possesses the qualifications required and permitted by law. as I Believe

Respectfully petitioner ex

And now on motion of A J Pierman. an Atty of the Court. Esq. being a prominent Member of the bar thereof. There being no objection thereto = Ordered. that R. A. Murray. the above named petitioner be. & hereby is admitted to practice law in this Court & qualify with the Statute in such case made and provided

Dated this 3rd day
of October A.D. 1882.

A. J. Edgerton.
Chief Justice

Territory of Dakota.
In Supreme Court

In the matter of the admission of C. F. Thompson as an Attorney and Counsellor of this Supreme Court

Now on this 3rd day of October A. D. 1882, being the first day of said Term, comes Daniel McLaughlen, an Attorney of this Court and moves that C. F. Thompson a practicing Attorney in the Supreme Judicial District of this Territory, and a resident thereof, be admitted an Attorney and Counsellor of this Court and licensed to practice therein according to law, and the rules and practice of the Court

Daniel McLaughlen
Atty Supreme Court

On presentation of the above and foregoing motion in open Court, and on consideration thereof

It is ordered by the Court that said Motion be and the same is hereby granted: But, it is further Ordered that said C. F. Thompson be and he is hereby admitted an Attorney and Counsellor of this Court, and accordingly licensed to practice in this Court according to law and the rules and practice of the Court; and it is further Ordered that the oath prescribed by law be administered in open Court to said Applicant, which is accordingly done this 3rd day of October A. D. 1882

By the Court

A. J. Edgerton
Chief Justice

U. S. Supreme Court, October Term A.D. 1882. 1st Dup. 1st Trim.
Continued

United States of America
Supreme Court of Dakota Territory, ss.

Be it Remembered, that on the 3rd day of October in the year of our Lord One thousand Eight Hundred and Eighty two personally appeared before the Honorable Supreme Court Dakota Territory Gottfried Fiddler an alien born, above the age of twenty-one years and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to several acts of Congress heretofore passed on that subject. And the said Gottfried Fiddler having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of said Gottfried Fiddler as from the testimony of Peter Rogen and Michael Sonnenberg who are known to be citizen of the United States, that the said Gottfried Fiddler has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a Man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good Order, well being and happiness of the same; and two years and upwards having elapsed since the said Gottfried Fiddler reported himself and filed his declaration of intention as aforesaid;

It Was Ordered, That the said Gottfried Fiddler be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia, whereof he was heretofore a subject, which said oath having been administered to the said Gottfried Fiddler by the Clerk of said Court, it was ordered by the Court that the said Gottfried Fiddler be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly

A. J. Edgerton, Clerk Supreme Court.

Continued

U. S. Supreme Court, October Term A. D. 1882. 15th Day of June.
Continued

The United States
Plff in Error.
vs
Thomas Murphy & others
Defts in Error
} No
Writ of Error to the Fourth District Court.

And now this 3rd day of October 1882 the above entitled cause being called in its regular order. And now on the suggestion of Hugh J Campbell Esqr it is hereby continued to the next term of this Court.

Territory of Dakota ex rel.
Peter O Peterson Respondent
vs
James Humphreys
Appellant
} No

And now this 3rd day of October 1882. the above cause being called for argument and hearing Wilson Esqr of Wilson & Swayze appearing for said Appellants and R A Burny Esqr for the respondents — and thereupon cause submitted to Court.

And now at 6 P.M. Court is adjourned until Wednesday the 4th day of October 1882 at 9 o clock A.M. of said day

Attest P J Williams
Clerk

U. S. Supreme Court, October Term A.D. 1882. 2nd Day of Term

Wednesday Oct 4th 1882.

Court met at the Court Room in the City of Jackson D. T.
pursuant to adjournment
Present

Hon A J. Edgerton Chief Justice
" G. G. Moody Associate
" J. P. Ridder "
" S. A. Henderson "
H. J. Campbell U. S. Attorney
Hanson Allen U. S. Marshal
Warren Osborn Clerk
Henry W. Edgerton & C. Morris Bailiffs
B. S. Wilkerson Clerk

Court being duly opened the following proceedings were had.

United States
Defendant in Error
vs
Harvey W. Knowlton
Indicted as Geo. Knowlton
Plaintiff in Error

vs

Error to the Second Judicial District Court

And now on this 4th day of October A.D. 1882 The Opinion of the Court by Moody Justice published, filed and entered of record of this Court.

Territory of Dakota
Defendant in Error
vs
Thos Eagan Plaintiff in Error

vs

Writ of Error to the District Court of Minnehaha County.

And now this 4th day of October 1882 Opinion of the Court by Ridder J. duly published filed and entered of record in this Court.

Daniel A. Talbott
Respondent
vs
Richard L. Pettigrew
Appellant.

Appeal from Minnehaha County District Court

And now this 4th day of Oct. 1882. Opinion of the Court by Ridder J. in the above entitled cause published, filed and entered of record.

U. S. Supreme Court, October Term A.D. 1882. 2nd Day of Term. Ec 4

Continued

No 119

Keo-gi-Ahnu-Ca
otherwise known as Crow Dog
Plaintiff in Error.
vs
The United States.
Defendant in Error

Writ of Error to the first Judicial District Court.

And now this 4th day of October A.D. 1882. this above cause coming for argument & hearing in its regular order on the Calendar. A. J. Plowman Esq. appearing in behalf of Crow Dog, said Plaintiff in Error.

And now at 6 P.M. Court adjourned sine die at 7 o'clock P.M. Tomorrow

Attest B. S. Williams
Clerk

606

U. S. Supreme Court, October Term A.D. 1882. 3rd Day of Term

Thursday October 5th 1882.

Court met pursuant to adjournment.

Present.

Hon A J. Edgerton Chief Justice
" G. H. Moody Associate
" J. P. Richter "
" S. A. Hand "
Hugh J. Campbell U.S. attorney
Harrison Allen U.S. Marshal
James Osborn Crier
Henry W. Edgerton & C. Morris Bailiffs
B. B. Williams Clerk.

Court being duly opened. the following proceedings were had

Hán-gí Ahnun-ca
otherwise known as Crow Dog.
Plaintiff in Error.
vs
The United States.
Deft in Error

No 119

Writ of Error to the first judicial district Court.

And now this 5th day of Oct
for the above entitled cause coming on for further argument
comes A. J. Plowman Esqr. for said Plaintiff in Error and
Hugh J. Campbell Esqr U.S. attorney Contra
and thereupon the cause submitted to the Court.

John L. Farwell.
vs
Respondent.
Seth Bullock & Sol Star as
Star and Bullock
Appellants

No 126.

Appeal to the District Court
of 1st Judicial District

John L. Farwell
vs
Star & Bullock

No 127.

Same as above.

And now this 6th day of October 1882.
The foregoing causes Nos 126, & 127. coming on for argument
and hearing together by consent of Counsel & the permission
of the Court D. McLaughlin Esqr appearing for the appellants
in each case, and Edward Kemble Esqr Contra.

U. S. Supreme Court, October Term A.D. 1882. 3rd Day of Term.

Nicolai C. Matthiessen et al
Appellants.
vs
The Star Mason Mercantile Company
Respondent

Appeal of the District Court of the 1st Judicial District

Now on this 5th day of October A.D. 1882. the above entitled cause being reached in its order on the Calendar was called by this Court. the same is submitted to this Court on the printed briefs of the respective parties

Territory of Dakota

In the Supreme Court of Dakota Territory. October Term A.D. 1882.

In the matter of the admission of Harrison Allen as an Attorney and Counselor at Law in said Court,

And now October 5th A.D. 1882 comes Peter C. Shannon a Member of this Bar and moves, that Harrison Allen who has been admitted to practice in the District Court of the First Judicial District of this Territory, and who is a Citizen of this Territory, be admitted and licensed to practice as an Attorney and Counselor at Law of and in this Court

Peter C. Shannon
Attorney & Counselor at Law, etc

And same day, on consideration of the above motion, and the Court being satisfied that the said Applicant possesses the requisite qualifications, it is, Ordered that said motion be granted, and the Applicant having in open Court duly taken the oath required by Law, it is further

Ordered. that the said Harrison Allen be, and he hereby is admitted and licensed to practice as an Attorney and Counselor at law, of and in this Court. By the Court

A. J. Edgerton
Chief Justice

And now Court is adjourned to Friday October 6th 1882 at 9 o clock A.M. of this day.

Allen B. Matthiessen
Clk

U. S. Supreme Court, October Term A.D. 1882. 4th Day of Term.

Friday October 6th 1882.

Court met at the Court room in the City of Yankton D.T. at 9. o-clock A.M. pursuant to adjournment.

Present

Hon A.J. Edgerton Chief Justice
" S.L. Woody Associate "
" J.P. Kinkler " "
" S.A. Henderson " "
H.J. Campbell U.S Attorney
Harrison Allen U.S Marshal
Warren Osborn Crier
Henry M. Edgerton & Francis Bailiffs
B.J. Williams Clerk

Court being duly opened the following proceedings were had.

John S. Farwell
Respondent
vs
Stan. V. Bullock
Appellants
Nos 126. 127.
Appeal from the District Court of First Judicial District

Now comes D. McLaughlin Esqr with the closing argument for said appellants and thereupon cause submitted to the Court

The United States
Defendant in Error
vs
Frank J. Peker
Plaintiff in Error
No 120
Writ of Error to the District Court 2nd Judicial District Court.
Continued from last term for re argument.

And now this 6th day of October 1882. comes P.C. Shannon Esqr with argument for Frank J. Peker one of Plaintiff in Error.

Territory of Dakota
2nd Judicial District
Robert Wittle Plaintiff
vs
Nathan M. Boothe et al, Defts
No 131
Motion to dismiss appeal

On this 6th day of October A.D. 1882.

Upon the case came on for hearing before the Court on its

Motion of Van Bia, Wilson & Hunter attorney for plaintiff in error for dismissal of the defendants appeal from the decision of the District Court. Motion is granted. Ordered that the appeal of the defendants in error be dismissed with costs and that the cause be remanded with directions to proceed with the execution thereof according to law.

The Caledonian Gold Mining Co—
formerly Henry Lucey et al.
vs Respondents
John Noonan & Thomas F. Madden
Appellants

} No. 21
Appeal from the District Court of this Judicial District.

And now this 6th day of October 1882.
the above cause coming on for argument & hearing on this day & order on the Calendar Counsel for the respective parties of the appellants & respondents
with argument for John Noonan et al. appellants.

Northern Pacific Rail Road Company
vs Respondents
Francis Peronteau
Appellants.

} No 122
Appeal from the District Court of Lewis County 2nd Judicial District.

And now this 6th day of October 1882.
the above cause being called in its order on the docket, Thos. F. Cooney Esq. D. H. Mooney Esqr attorney for said appellants & Wm. M. Conley Esq attorney for respondent. Counsel - Second day granted respectively to the Court.

And now at 11 o'clock A.M. the Court adjourned, Saturday October 7th 1882 at 9 o'clock A.M. of said

Filed B. F. Wilkinson
Clerk

U. S. Supreme Court, October Term A.D. 1882. 5th Day of Term.

Saturday October 7th 1882.

Court met pursuant to adjournment.

Present

Hon A. J. Edgerton Chief Justice
" G. G. Moody Associate "
" J. P. Kidder "
" S. A. Henderson " "
" Hugh Campbell U. S. Attorney
Harrison Allen U. S. Marshal
Warren Osborn Clerk
Henry W. Edgerton and C. Morris Bailiffs
B. L. Williams Reporter

Court being duly opened the following proceedings were had.

The Caledonia Gold Mining Company. Respondents
vs
John Noonan & Thomas L. Mahan Appellants

No 121
Appeal from the District Court of Lawrence County 3rd Judicial District.

Now this 7th day of October A.D. 1882. the above cause coming for further argument. D. McLaughlin continuing his argument for the appellants.

United States of America
Supreme Court of Dakota Territory

Be it Remembered, That on the Seventh day of October in the year of our Lord One thousand Eight Hundred and Eighty two personally appeared before the Honorable Supreme Court Dakota Territory Albert Rothrock an alien born, above the age of twenty-one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to several acts of Congress heretofore passed on that subject. And the said Albert Rothrock having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of said Albert Rothrock as from the testimony of Joseph Krenka and Joseph Welch who are known to be citizens of the United States, that the said Albert Rothrock has resided within the limits and under the jurisdiction of the United States [redacted] at least five years last past, and at least one year last past

within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and Safety of the same; and two years and upwards having elapsed since the said Albert Bokesch reported himself and filed his declaration of intention as aforesaid.

It Was Ordered, That the said Albert Bokesch be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he resigned all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatsoever, and more particularly to the Emperor of Austria whereof he was heretofore a subject, which said oath having been administered to the said Albert Bokesch by the Clerk of said Court, it was ordered by the Court that the said Albert Bokesch be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly

A J Edgerton Chief Justice

And now Court adjourned to Monday Oct 9th 1882 at 9 o'clock A.M. of said day

Attest B S Williams
Clerk

U. S. Supreme Court. October Term A.D. 1882. 6th Day of Term.

Monday October 9th 1882.

Court met at 9 o'clock A.M. pursuant to adjournment

Present:

Hon A J Edgerton Chief Justice
" G. G. Moody Associate "
" J. P. Kidder "
" S. A. Henderson " "
" H. J. Campbell U.S. Attorney
Harrison Allen Esqr U.S. Marshal
Warren Osborn Crier
Henry W. Edgerton and C. Dennis Bailiffs.
B. S. Williams Clerk

Court being duly opened the following proceedings were had.

The Caledonia Gold Mining Company
Respondent
vs
John Noonan & Thos F. Mahan
Appellants

No 121
Appeal from the District Court of Lawrence County 1st Judicial District.

And now this 9th day of Oct 1882. the above entitled Cause coming on for further argument & Mr Langhlin Esqr appearing for Appellants.

Territory of Dakota
In Supreme Court.
Robert L. Gracey
Plaintiff & Respondent
vs
Mildred F. Baker
Defendant & Appellant

No
Appeal from the District Court of Yankton County 2nd Judicial District
Motion to dismiss Appeal.

And now this ninth day of October A.D. 1882. the foregoing motion coming on to be heard is ordered upon the Calendar. All of the Justices of said Court Viz: A. J. Edgerton Chief Justice. J. P. Kidder G. G. Moody and S. A. Henderson Associate Justices being present. as well as the officers of said Court. And the Court after hearing Bartlett Tripp for the respondent. No one appearing contra - being fully advised in the premises. It is on motion of Bartlett Tripp. Attorney for said respondent. Ordered that the foregoing motion be granted and that said appeal be and the same is hereby dismissed

And it is further ordered and adjudged that the respondents Robert G. Grady have and recover of the defendant Milton A Baker. Appellant herein the costs of this appeal taxed and allowed at Four Dollars and eighty Cents.

And it is further ordered that the Clerk of this Court transmit a copy of this order and judgment to the Clerk of the District Court in and for the County of Jerdison from which said appeal was taken.

By the Court

A J. Edgerton
Chief Justice

Fiscal year 1883

District of Dakota Territory ss.

In the United States Supreme Court for said District at a term thereof begun and held at Deadwood on the 3rd day of October 1882. Present: the Honorable A. J. Edgerton Chief Justice the following order was made and entered of record, to wit:

Whereas Harrison Allen United States Marshal has rendered to this Court an account of his disbursements for Miscellaneous Expenses incurred at and previous the August Term 1882. of the United States Dist Court at Deadwood with the vouchers and items thereof, and in presence of Hon Hugh J Campbell U. S. Attorney has proved on oath to the satisfaction of the Court, that the services therein charged were actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law.

It is Hereby Ordered that the said account amounting to Five Hundred and Eight dollars and thirty cents, be and the same is hereby approved

By the Court

A J Edgerton
Chief Justice

Fiscal Year 1883

District of Dakota Territory ss

In the United States Supreme Court for said District at a term thereof begun and held at Deadwood on the 3d day of October 1882, Present, the Honorable A. J. Edgerton Chief Justice the following order was made and entered of record, to wit:

Whereas Harrison Allen United States Marshal has rendered to this Court an account of his disbursements for Miscellaneous Expenses incurred at and previous the August

U. S. Supreme Court, October Term A.D. 1882. 6th Day of Term.

Monday October 9th Continued

Term 1882, of the United States Dist Court at Deadwood with the vouchers and items thereof, and in presence of Hon Hugh J. Campbell, United States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law—

It is Hereby Ordered that the said account, amounting to Fourteen Hundred & Eighty three-dollars and Eighty cents, be and the same is hereby approved

By the Court

A. J. Edgerton

Chief Justice

Fiscal Year 1883. District of Dakota Territory ss.

In the United States Supreme Court for said District, at a term thereof begun and held at Yankton, on the 3rd day of October 1882. Present: the Honorable A. J. Edgerton Chief Justice the following order was made and entered of record, to wit:

Whereas Harrison Allen United States Marshal has rendered to the Court an account of his disbursements for Compensation to Attorneys incurred at and previous to the August Term 1882, of the United States Dist Court at Deadwood with the vouchers and items thereof, and in presence of Hon Hugh J. Campbell, United State Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law—

It is Hereby Ordered that the said account, amounting to Fourteen Hundred & Seventy Six Dollars and Twenty Cents be and the same is hereby approved By the Court

A. J. Edgerton

Chief Justice

Fiscal Year 1883

United States of Dakota Territory ss

In the United States Supreme Court for said District, at a term thereof begun and held at Yankton on the 3rd day of October 1882. Present: the Honorable A. J. Edgerton Chief Justice the following order was made and entered of record, to wit:

Whereas Harrison Allen United States Marshal, has rendered to the Court an account of his disbursements for Compensation of

Marshall incurred at and previous to the August Term 1882 of the United States Dist Court, at Deadwood with the vouchers and items thereof, and in presence of Hon. Hugh J Campbell, District States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money, and whereas said charges appear to be just and according to law—

It is hereby Ordered that the said account, amounting to Seventeen Hundred & Eighty One Dollars and Ninety Nine cents, be and the same is hereby approved

By the Court

A. J. Edgerton
Chief Justice

Fiscal Year 1883

District of Dakota Territory } ss
In the United States Supreme Court for said District, at a term thereof begun and held at Yankton, on the 3rd of October 1882.
Present: the Honorable A. J. Edgerton Chief Justice. The following order was made and entered of record, to wit:

Whereas Harrison Allen United States Marshal, has rendered to this Court an account of his disbursements for Fees of Marshall incurred at and previous to the July Term 1882, of the United States Dist Court, at Yankton with the vouchers and items thereof, and in presence of Hon Hugh J Campbell United State Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law—

It is Hereby Ordered that the said account, amounting to One Hundred & Fifty dollars and Nineteen cents, be and the same is hereby approved

By the Court

A. J. Edgerton
Chief Justice

Fiscal year 1883

District of Dakota Territory } ss.
In the United States Supreme Court for said District,
at a term thereof begun and held at Deadwood on the 3rd day of

Sessions Held at Canton Dak. T. A.D. 1882. 6th Day of Term.

Monday October 9th 1882 Continued

Dakota 1882. Present: The Honorable A. J. Edgerton Chief Justice The following order was made and entered of record, to wit:

Whereas Harrison Allen United States Marshal, has rendered to this Court an account of his disbursements for Mileage & Expenses incurred at and previous to the July Term 1882 of the United States Court at Yankton with the vouchers and items thereof, and in presence of Hon. Hugh J. Campbell, United States Attorney, who has sworn, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to law. It is Hereby Ordered that the said account, amounting to Fifty Seven Hundred and One Dollars and Fifty Cents, be and the same is hereby approved

By the Court

A. J Edgerton.

Chief Justice

Attest Sear 1883

District of Dakota Territory } ss.

In the United States Supreme Court for said District, at a term thereof begun and held at Yankton on the 3rd day of October 1882 present. The Honorable A J. Edgerton Chief Justice the following order was made and entered of record, to wit:

Whereas Harrison Allen United States Marshal, has rendered to this Court an account of his disbursements for Compensation to Jurors incurred at and previous to the July Term 1882, of the United States Dist Court, at Yankton with the vouchers and items thereof, and in presence of Hon. Hugh J. Campbell United States Attorney who has sworn, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just, and according to law.

It is Hereby Ordered that the said account, amounting to Twenty four hundred & seventy three dollars and sixty cents, be and the same is hereby approved

By the Court

A. J. Edgerton

Chief Justice

Fiscal Year 1883

District of Dakota Territory } ss.

In the United States Supreme Court for said District, at a term thereof begun and held at Jamestown on the 3rd day of October 1882. Present: the Honorable A. J. Edgerton Chief Justice the following order was made and entered of record, to wit:

Whereas Harrison Allen United States Marshal, has rendered to this Court an account of his disbursements for Compensation to witnesses incurred at and previous to the July Term 1882 of the United States Dist. Court at Jamestown with the vouchers and items thereof, and in presence of Hugh J. Campbell, United States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and whereas said charges appear to be just and according to Law —

It is hereby Ordered that the said account; amounting to Thirty Eight Hundred, Sixty three dollars and forty Cents be and the same is hereby approved

By the Court
A. J. Edgerton
Chief Justice

And now Court is adjourned to Tuesday Oct 10th 1882 at 9 o'clock A.M. of Said day

Attest B J Williams
Clerk

11 U.S. Supreme Court. Motion Docket. U.S.L.E. 1882. 24th Day of Term.

Tuesday, October 10th 1882.

Present and the Honorable Associate Justices permanent to
Wyoming.
Present

Hon. A.J. Edgerton Chief Justice
" L.G. Kingsley Associate "
" J.P. Hiskon " "
" L.A. Hawkins " "
" Campbell Att'y
" Kenaday Miller Dist Marshal
" Thomas Allen Clerk
" Thomas L. Morris Bailiff
" Wilkins Clerk.

Court being duly opened the following proceedings were had.

In the District Court of the
United States Oct Term 1882
In the matter of the admission of John R. Wilson as an Attorney and
Counsellor in this Court — This day Oct 10th 1882 comes W. H.
Lagel — Member of this Bar and moves that John R Wilson who has
been admitted to practice in the District Court of the First Judicial
District of this Territory and who is a citizen of the Territory be admitted
to practice as an Attorney and Counsellor at Law of and
in this Court
W.H. Lagel

Upon consideration of the foregoing Motion and the Court being
satisfied that the said Applicant possesses the requisite qualifications
and has fully entered on the premises it is this 10th day of Oct. 1882
Ordered. That the said motion be and is hereby granted and the
Applicant having appeared in open Court and taken the oath required
by law it is further ordered that the said John R Wilson be ad-
mitted and licensed to practice as an Attorney and Counsellor at Law
of this in this Court. By the Court
A J Edgerton
Chief Justice

In the Supreme Court
Territory of Dakota — October Term 1882.
In the matter of the admission of Marcus D Pratt, as an Attorney
and Counsellor in said Court — And now, October 10th 1882 comes
W. H. Lagel, a Member of this Bar and moves that Marcus D Pratt
who may be admitted to practice in the District Court of the First
Judicial District of this Territory, and who is a Citizen of the Territory
be admitted and licensed to practice as an Attorney and Counsellor at

U. S. Supreme Court, October Term A. D. 1882. 85th Day of Term.

Wednesday October 11th 1882

Court met pursuant to adjournment

Present

Honorable A. J. Edgerton Chief Justice
" L. C. Woody Associate Justice
" J. P. Ritter " "
" S. A. Hand " "
" Hugh J. Campbell U. S. Attorney
" Harrison Allen U. S. Marshal
Warren Olney Clerk
Henry N. Edgerton and L. Morris Bailiffs
B. S. Williams Clerk

See minute page

The Court duly opened this day proceedings were had

Law of and in this Court — Wm H. Hagerty

Upon consideration of the foregoing motion, and the Court being satisfied that the said Applicant possesses the requisite qualifications and being fully advised in the premises, this 10th day of October 1882

Ordered: That the said Motion be and is hereby granted.

and the Applicant having appeared in open Court and taken the oath required by law it is further ordered that the said Warren Olney Green be admitted and licensed to practice as an Attorney and Counsellor at Law, of and in this Court

By the Court
A. J. Edgerton
Chief Justice

The Caledonia Gold Mining Company. — Respondents

vs

John Noonan & Thomas F. Makin. — Appellants

No 121
Appeal from the District Court of Lawrence County.

And now this 10th day of October 1882. the above entitled action being further argued by Mr Thomas J. Skinner one of the attorneys for said respondents

And now this Court is adjourned to Wednesday Oct 11th 1882 at 9 o'clock A.M. of said day

Attest B. S. Williams Clerk

N. S. Supreme Court, October Term A.D. 1882. 8th Day of Term.

Wednesday October 11th 1882.

Court met at 9 o-clock A.M. pursuant to adjournment.

Present

Hon A.J. Edgerton Chief Justice
" G.A. Moody Associate "
" J.P. Sidelen Do "
" S.A. Henderson Do "
Hugh Campbell U.S. Attorney
Hannibal Allen U.S. Marshal
Warren Osborn Crier
Henry W. Edgerton and C. Morris Bailiffs
B.J. Williams Clerk

Court being duly opened the following proceedings were had.

The Caledonia Gold Mining Company Respondents
vs
Stephen Noonan & Thos F. Madden Appellants
No 121.

And now this 11th day of October A.D. 1882. Mr Wm H. Leggett proceeds with argument in behalf of the Respondents in the above entitled action

And now at 3 o clock P.M. D McNaughton for the appellants

And now at 6 o clock P M Court adjourned to Thursday Oct 12th 1882. at 9 o clock A.M. of said day.

Clerk

B.J. Williams
Clerk.

U. S. Supreme Court, October Term A.D. 1882. 7th Day of Term.

Thursday October 12th 1882

Court met at 9 o clock A.M. pursuant to adjournment.

Present.

Honorable A.J. Edgerton Chief Justice
" G.C. Moody. Associate "
" J.P. Kidder " "
" S.A. Hudson " "
" Henry J. Campbell U.S. Attorney
" Harrison Allen U.S. Marshal
Warren Osborn Crier
Henry W. Edgerton and C. Morris Bailiffs
B.S. Wilkinson Clerk

Court being duly opened the following proceedings were had

United States of America
Supreme Court of Dakota Territory, ss:
Be it Remembered, that on the 12th Day of October in the year of our Lord One Thousand Eight Hundred and eighty two personally appeared before the Honorable Supreme Court Dakota Territory Philipp Border Jr an alien born, above the age of twenty-one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several Acts of Congress thereto fore passed on that subject. And the said Philipp Border Jr having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several Acts of Congress, and the Court being satisfied, as well from the Oath of the said Philipp Border Jr as from the testimony of Jacob Marx and Herbert Max who are known to be citizens of the United States, that the said Philipp Border Jr has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a Man of good Moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Philipp Border Jr reported himself and filed his declaration of intention as aforesaid;

It was ordered, That the said Philipp Border Jr be permitted to take the Oath to support the Constitution of the United States, and the usual oath whereby he renounced all Allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever: and more particularly to the Emperor of Russia, whereof he was heretofore a subject, which said Oath having been administered to the said Philipp Border Jr by the Clerk of said Court, it was ordered by the Court that the said Philipp Border Jr be admitted to all and singular the rights, privileges and immunities of a Naturalized Citizen of the United States; and that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly

A J Edgerton
Chief Justice

United States of America
Supreme Court of Dakota Territory, ss:
Be it Remembered, That on the 12th day of October in the year of our Lord One Thousand Eight Hundred and Eighty two personally appeared before the Honorable Supreme Court Dakota Territory Johan Thorn an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject. And the said Johan Thorn having produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several Acts of Congress, and the Court being satisfied as well from the oath of the said Johan Thorn as from the Testimony of said Mar and Stockard Mann (who are known to be) citizens of the United States, that the said Johan Thorn has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least One year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same: and the Court having adopted since the said Johan Thorn reported himself and filed his declaration of intention as aforesaid:

It was Ordered that the said Johan Thorn be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every

Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia whereof he was heretofore a subject. which said oath having been administered to the said Johan Horn by the Clerk of said Court, it was ordered by the Court that the said Johan Horn be admitted to all and singular the rights privileges and immunities of a Naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court under the seal of said Court, which is done accordingly

A J Edgerton
Chief Justice

United States of America
Supreme Court of Dakota Territory. ss.

Be it Remembered, That on the 12th day of October in the year of our Lord One Thousand Eight Hundred and Eighty two personally appeared before the Honorable Supreme Court of Dakota Territory Jacob Kaiser an alien born, above the age of twenty-one years, and applied in open Court to be admitted to become a naturalized Citizen of the United States of America, pursuant to the several Acts of Congress heretofore passed on that subject.

And the said Jacob Kaiser having thereupon produced to the Court record testimony showing that he had heretofore registered himself and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several Acts of Congress, and the Court being satisfied as well from the oath of the said Jacob Kaiser as from the testimony of Jacob Marx and Ehrhardt Marx who are known to be citizens of the United States, that the said Jacob Kaiser has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a Man of good moral character attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Jacob Kaiser reported himself and filed his declaration of intention as aforesaid:

It Was Ordered that the said Jacob Kaiser be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounced all allegiance and fidelity to every Prince, Potentate, State or Sovereignty whatever; and

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11. S. Supreme Court. Extra Term. A.D. 1882. 9th Day of Term.

Thursday October 12th Continued

more particularly to the Emperor of Russia whereupon he was
therefore duly sworn, which said oath having been administered
to the said Jacob Reiser by the Clerk of said Court, it was ordered
by the Court that the said Jacob Reiser be admitted to all and
singular the rights, privileges and immunities of a naturalized
citizen of the United States, and that the same be certified
by the Clerk of this Court, under the seal of said Court, which
is done accordingly

A J Edgerton
Chief Justice

The Caledonia Gold Mining Company Respondent
vs
John Noonan & Thomas F Mahan Appellants
No 121
Appeal from the District Court of Lawrence County.

And now this 12th day of October 1882. D M Haughbis Esqr proceeds with his closing argument for said Appellants. and thereupon cause submitted to the Court.

Martin Ploss Company Respondents
vs
Herman Gilbert et al. Appellants
No 128
Appeal from the District Court of Minnehaha County.

And now this 12th day of October 1882. the above entitled cause coming for argument and hearing S L Spooner Esqr appearing with oral argument for appellants and M Grigsby Esqr contra — and thereupon cause submitted to the Court.

And now at 6 o'clock P M Court adjourned to Friday Oct 13th 1882 at 9 o'clock A.M. of said day

Attest
B J Williams
Clerk

U. S. Supreme Court, October Term A. D. 1882. 10th Day of Term.

Friday October 13th 1882

Court met at 9 o-clock A.M. pursuant to adjournment
Present

Honorable A. J. Edgerton chief Justice
" C. B. Brady Associate "
" J. P. Rickter " "
" S. A. Nelson " "
Hugh J. Campbell U. S Attorney
Harrison Allen U. S Marshal
Warren Osborn Crier
Henry N. Edgerton and L. Morris Bailiffs
B. S. Williams. Clerk

Court being duly opened the following proceedings were had.

The Northern Pacific Railroad Company Appellants
vs
Owen L. Rockney Treasurer of Trail County. Respondents
No 129.
Appeal from the District Court of Trail County

And now this 13th day of October 1882. the above entitled action coming on for argument and hearing in its regular order on the Calendar W. P. Clough Esqr attorney for Northern Pacific Railroad Co appearing for said appellants and M. M. Greene Esqr. contra ——
And thereupon cause submitted to the Court.

Nichols Shepard & Co Respondents
vs
Barnes & Nagle appellants
No 124

And now this 13th day of October 1882 the above entitled cause coming on for argument D. H. Tenney Esqr for the appellants, & Messrs Miller & Green, Contra and thereupon cause submitted.

United States of America
Supreme Court of Dakota Territory, ss.
Be it Remembered, That on the 13th day of October in the year of our Lord One thousand Eight Hundred and Eighty two personally appeared before the Honorable Supreme Court Dakota Territory aforesaid Matthew Norton an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the laws of Congress heretofore passed on that subject. And the said

U. S. Supreme Court, October Term A.D. 1882. 10th Day of Term.

Friday October 13th 1882 Continued

Mathew Nottony having thereupon produced to the Court testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States according to the provisions of said several Acts of Congress, and the Court being satisfied, as well from the oath of said Mathew Nottony as from the testimony of Samuel A Boyles and Van Mack who are known to be citizens of the United States, that the said Mathew Nottony has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Mathew Nottony reported himself and filed his declaration of intention as aforesaid:

It Was Ordered, That the said Mathew Nottony be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever: and more particularly to Francis Joseph Emperor of Austria whereof he was heretofore a subject, which said oath having been administered to the said Mathew Nottony by the Clerk of said Court, it was ordered by the Court that the said Mathew Nottony be admitted to all and singular the rights, privileges and immunities of a Naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly

A J Edgerton
Chief Justice

And now Court adjourned to Saturday Oct 14th 1882 at 9 o'clock A M of said day

Attest

B S Wilcuts
Clerk

Saturday October 14th 1882

Court met at the Court Room in the City of Deadwood D.T. at 9 o-clock A.M. pursuant to adjournment

Present

Hon A J. Edgerton Chief Justice
" G C. Moody Associate Justice
" J P Rieder " "
" S A Henderson " "
" Hugh J Campbell U S attorney
" Harrison Allen U S Marshal
Warren Osborn Crier
Henry M Edgerton + L Morris Bailiffs
B S Williams Clerk

Court being duly opened the following proceedings were had.

The Star Mayer Company
Respondents
vs
Nicolai L Matthiessen et al
Appellants

The above cause being regularly called on this 14th day of Oct 1882. No oral argument desired. it is hereby submitted on the printed briefs of the respective parties.

United States of America
Supreme Court of Dakota Territory, ss:
Be it Remembered, That on the 14th day of October in the year of our Lord One thousand Eight Hundred and Eighty two personally appeared before the Honorable Supreme Court Dakota Territory Nicholas Youngman an alien born, above the age of twenty-one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several Acts of Congress heretofore passed on that subject. And the said Nicholas Youngman having thereupon produced to the Court and testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several Acts of Congress, and the Court being satisfied, as well from the oath of the said Nicholas Youngman as from the testimony of Daniel Mann and Stephen Nowlen who are known to be citizens of the United States, that the said Nicholas Youngman has resided within the

11. J. Judgment Roll. October Term A.D. 1882. Clerk of Yorn.
Continued

limits and under the jurisdiction of the United States for at least five years last past and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years afterwards having elapsed since the said Nicholas Youngman reported himself and filed his declaration of intention as aforesaid;

It Was Ordered, That the said Nicholas Youngman be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever: and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Nicholas Youngman by the Clerk of said Court, it was ordered by the Court that the said Nicholas Youngman be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court which is done accordingly

A J Edgerton
Chief Justice

United States of America
Supreme Court of Dakota Territory, ss.

Be it Remembered, That on the 16th day of October in the year of our Lord One Thousand Eight Hundred and Eighty two personally appeared before the Honorable Supreme Court Dakota Territory Peter Lemar an alien born, above the age of twenty one years and offered in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several Acts of Congress heretofore passed on that subject. And the said Peter Lemar having therefore produced to the Court competent testimony showing that he had therefore resided himself, and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several Acts of Congress, and the Court being satisfied, as well from the oath of the said Peter Lemar as from the testimony of James Mac. and Stephen Forestier who are known to be citizens of the United States, that the said Peter Lemar has resided within the limits and under the jurisdiction of the United States for at least five years [illegible] and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved

himself as a Man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Peter Lessas reported himself and filed his declaration of intention as aforesaid;

It Was Ordered, That the said Peter Lessas be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia whereof he was heretofore a subject, which said oath having been administered to the said Peter Lessas by the Clerk of said Court, it was ordered by the Court that the said Peter Lessas be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly

A J Edgerton
Chief Justice

United States of America
Supreme Court of Dakota Territory, ss.

Be it Remembered, That on the 14th day of October in the year of our Lord One Thousand Eight Hundred and Eighty two personally appeared before the Honorable Supreme Court Dakota Territory Adam Jugala an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several Acts of Congress heretofore passed on that subject. And the said Adam Jugala having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several Acts of Congress and the Court being satisfied, as well from the oath of the said Adam Jugala as from the testimony of Peter Segel and Stephen Forcher who are known to the citizens of the United States, that the said Adam Jugala has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has been and is well disposed to the good moral character, attached to the principles

contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Adam Jegala reported himself and filed his declaration of intention as aforesaid;

It Was Ordered, that the said Adam Jegala be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia whereof he was before a subject. Which said oath having been administered to the said Adam Jegala by the Clerk of said Court, it was ordered by the Court that the said Adam Jegala be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly

A J Edgerton
Chief Justice

In the Supreme Court of Dakota Territory at a term thereof begun and held at Yankton the 3rd day of October A.D. 1882
Present. the Honorable A J Edgerton Chief Justice, and P. C. Moody, J. P. Rudden, and J. A. Hudson Associate Justices thereof, the following order was made and entered of record, to Wit

Whereas B. F. Williams Clerk of this Court has rendered his account of his fees, at the adjourned May term 1882, and of the Regular October term A.D. 1882, with the items thereof and it the presence Hugh J Campbell Esq U. S. Attorney, has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated.

And whereas said charges appear to be just and according to law,
It is hereby Ordered that the said account amounting to Ninety four dollars and five Cents, be and the same is hereby allowed

By the Court
A J Edgerton
Chief Justice

The Supreme Court
Dakota Territory } ss.

October Term 1882

Witness Hugh J Campbell U. S. Attorney has this 13th day

of October 1882 presented in open Court the foregoing accounts and has proved to the satisfaction of the Court that the services, travel and attendance therein charged for were necessarily and actually performed by him as charged, and whereas the said account appears to be just and according to law: It is ordered that the said account Amounting to Seventy dollars be and the same is hereby allowed

By the Court
A. J. Edgerton
Chief Justice

In Supreme Court
Territory of Dakota

George W. Chittenden
Respondent
vs
James W. Phillips and
Maria J. Phillips

October Term 1882

The respondent in the above entitled Cause by his Counsel Alexander Hughes having moved the Court for an Order to strike the above entitled Cause from the Calendar of this Court, and the Court having heard Counsel in support of said Motion and being duly advised in the premises;

Ordered that the above entitled Cause be and the same is hereby stricken from the Calendar of this Court

October 16th 1882

By the Court
A J Edgerton
Chief Justice

In the Supreme Court of Dakota Territory at a Term thereof begun and held at Yankton the 3d day of October AD 1882

Present. The Honorable A J Edgerton Chief Justice and S C Bloss. J. S. Bidder and J. A. Hudson Associate Justices thereof. the following order was made and entered of record to Wit:

Whereas B J Wellcome Clerk of this Court has rendered his Account of his fees at the May term 1882, with the items thereof and on the presence of Hugh J Campbell, Esq U. S. Attorney has proved on oath to the satisfaction of the Court that the items therein charged have been actually, necessarily performed as therein stated, and Whereas said charges appear to be just and reasonable

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U. S. Supreme Court, October Term, A.D. 1882. 11 Day of Term.
Oct 14th Continued

It Is Ordered: It is hereby ordered that the said account amounting to Fifty dollars and ten Cents be and the same is hereby approved

By the Court
A J Edgerton
Chief Justice

The United States of America }
Territory of Dakota } ss.
In the Supreme Court

Appeal from the District Court of Lawrence County

The Star Wagon Company
Plaintiff & Respondent
vs
Martin Matthieson et al
Defendants & Appellants

No 111
October Term. 1882

This action coming on to be heard at the October A. D 1882 term of said Supreme Court at the Supreme Court Room in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice and P. C Moody, J. P. Redden and L. A Hudson, Associate Justices, and the appeal herein having been submitted upon brief by Hugh J. Campbell, T. B. Scofield Esq: for the Appellants, and by Van Cise & Wilson Esq: for the Respondent and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of said District Court within and for said Lawrence County, appealed from herein be and the same is hereby in all things affirmed

Filed this 16 day of Oct 1882
H. L. Willey Clerk

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court.

And it is further considered and adjudged, that the plaintiff and Respondent have and recover of the defts & appellants its costs and disbursements on this appeal expended, taxed and allowed at Twenty four dollars Seventy cents.

All the Justices concurring

By the Court
A J Edgerton
Chief Justice Supreme Court. D. T.

U. S. Supreme Court, Oct Term A.D. 1882. In Error.
Oct 14th Session

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The United States of America }
Territory of Dakota } ss
In the Supreme Court
Writ of Error to the First Judicial District Court

United States
Defendant in Error
vs
Han-gi-Shun-Ca in
English known as
Crow Dog
Plaintiff in Error

No 119
October Term, 1882

The writ of Error herein coming on to be heard at the October A. D. 1882 term of this Court. Present the Hon. Lyon Sheldon, and L. C. Moody, J. J. S. Bidder and A. H. Edgerton, Associate Justices and the same having been argued by A. J. Plowman Esq. for the Plaintiff in Error and by Hugh J. Campbell, Esq. U. S. Atty for the Defendant in Error and the Court having fully advised thereof.

filed this 14th day of October 1882
B. L. Wilkins Clerk

and perceiving no Error in the Record from the said First Judicial District Court in this cause. It is therefore that Fourteenth day of October One Thousand Eight Hundred and Eighty two all the said premises and the record herein being by the Court fully known, seen heard considered, and adjudged that the judgment of the said District Court within and for the said First Judicial District of Dakota Territory in said cause of the United States against Han-gi-Shun-Ca in English known as Crow Dog be and the same is hereby in all respects affirmed.

And it is further ordered that the cause with the record thereof be remanded to the said First Judicial District Court.

And that the said District Court fix a day, for the execution of said judgment that the said judgment be executed according to law and that the said District Court proceed therein in all respects as by law required

By the Court
A. J. Edgerton
Chief Justice of Supreme Court of D. T.

All the Justices
concurring

U. S. Supreme Court. Col. Fer Terr. A. D. 1882. 11th Day of Term.
Oct 14th Continuances

The United States of America }
Territory of Dakota } ss

In the Supreme Court

Appeal from the District Court of Lawrence County

The Caledonia Gold Mining Company
Plaintiff
vs
John Norman
& Thomas F. Marron
Defendant

No. 121
October Term. 1882

Filed this 11th day of October 1882.
A. Williams Clerk

This Action coming on to be heard at the October A. D. 1882 Term of said Supreme Court at the Supreme Court Room in the City of Deadwood, D. T.

Present: A. J. Edgerton, Chief Justice, and P. C. Moody, P. J. Hudson, and C. M. Hudson, Associate Justices; and the appeal herein has been argued by Daniel McLaughlin Esq for the Appellant, and by Wm R. Baggett & L. L. Kinne Esq. for the Respondent, and the Court having advised thereon, it is now here considered, ordered, and adjudged, that the judgment of the said District Court within and for said Lawrence County, appealed from herein be and the same is hereby in all things affirmed

And it is further ordered, that this Cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged, that the plaintiff and Respondent have and recover of the Defendants & Appellants its costs and disbursements on this appeal expended; taxed and allowed at (Clerks fees) Seven & 40/100 dollars.

All the Justices concurring

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

Territory of Dakota }
In the Supreme Court }

Caledonia Gold Mining Company
Plaintiff & Respondent
vs
John Norman & Thomas F. Marron
Defendants & Appellants

U. S. Supreme Court, October Term A. D. 1882 Day of Term.
Oct 14th Continued

Now on this 14th day of October A. D. 1882 it being the October Term thereof this cause having been heard and determined by this Court, it is

Ordered that the findings of fact of the said Sixth Judicial District Court from whence this cause came be and the same are hereby adopted by and made and constituted as the findings of this Court in said cause to the end that the said Defendants may have the benefit thereof if they shall perfect their appeal to the United States Supreme Court

By the Court
A J Edgerton
Chief Justice

Caledonia Gold Mining Company
vs
John Noonan & Thomas K. Noble

Upon motion of Counsel for the Appellants and by consent of the plaintiffs it is

Ordered that the remittitur in this cause be stayed for ninety days from this date to enable defendants to perfect their appeal to the Supreme Court of the United States if they shall so advise

October 14th 1882

By the Court
A J. Edgerton
Chief Justice

The United States of America }
Territory of Dakota } ss.
In the Supreme Court

Appeal from the District Court of Lake County

Northern Pacific Railroad Company
Plaintiff, Respondent
vs
Francis Perrault
Defendant & Appellant
No. 122
October Term, 1882

This action coming on to be heard at the October A. D. 1882 term of said Supreme Court at the Supreme Court Room, in the City of Yankton D. T.

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11 N. Supreme Court. Cass Term. A.D. 1882. 11th Day of Term.
(Of 14 Counties case)

Present: A. J. Edgerton, Chief Justice, and P. C. Moody, J. P. Bidder and J. A. Hudson, Associate Justices, and the appeal herein having been argued by D. H. Tenney Esq' for the Appellant, and by W. P. Clough Esq' for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Cass County, appealed from herein be and the same is hereby in all things affirmed.

Filed this 16th day of October 1882

W. A. Williams Clerk

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

By the Court

A. J. Edgerton

Chief Justice Supreme Court D.T.

All the Justices concurring

In United States of America
Territory of Dakota } In the Supreme Court
Appeal from the District Court of Cass County

Nicholas Shepherd &c
Plaintiff & Respondent
vs
S. L. Barnes and
S. L. Magill
Defendants & Appellants

No. 124
October Term 1882

This Action coming on to be heard at the October A. D. 1882 term of said Supreme Court at the Supreme Court Room, in the City of Yankton D.T.

Present: A. J. Edgerton, Chief Justice, and P. C. Moody, J. P. Bidder and J. A. Hudson, Associate Justices: and the appeal herein having been argued by D. H. Tenney Esq for the Appellants and by Messrs Miller & Bean Esq' for the Respondents and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Cass County, appealed from herein be, and the same is hereby in all things affirmed

Filed this 16th day of October 1882.

W. A. Williams Clerk

And it is further ordered that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

U. S. Supreme Court, October Term A.D. 1882. 11th Day of June.
Oct 14th Adjourned

And it is further considered and adjudged, that the plaintiff and Respondent have and recover of the Defendants & Appellants his costs and disbursements on this appeal expended, taxed and allowed at Eight dollars and Ninety Cents.

All the Justices
concurring

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

The United States of America }
Territory of Dakota } ss

In the Supreme Court

Appeal from the District Court
of Brookings County

The Territory of Dakota
Ex-rel Peter C Peterson
Plaintiff & Respondent

vs

James Hawthorne
Defendant & Appellant

No 1285
Petition filed, 1882.

This action coming on to be heard at the October A. D. 1882, term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A. J Edgerton, Chief Justice, and P. C. Moody, J. P. Bennett and S. A Hudson, Associate Justices; and the appeal herein having been argued by C. H Wenzer Esq for the Appellant and by A. H Murray Esq for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Brookings County appealed from herein be and the same is hereby in all things

filed this 14th day of October 1882
A. C. Wilbur Clerk

affirmed

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that the plaintiff's Respondent have and recover of the Defendant & Appellant his costs and disbursements on this appeal expended; taxed and allowed at

Clerk's fees in Supreme Court (Eight 90/100 dollars) $ 8.90
Respondent Brief Twelve dollars $ 12.00
$ 20.90

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

All the Justices
concurring

[illegible]

[illegible]

[illegible]

The United States of America }
Territory of Dakota } ss.

In the Supreme Court

Appeal from the District Court of Lawrence County

John L. Jarrell
Plaintiff & Respondent
vs
Seth Bullock &
al Star
Defendants & Appellants

No 129
October Term, 1882.

This Action coming on to be heard at the October A. D. 1882 Term of said Supreme Court at the Supreme Court Room, in the City of Jackson, D. T.

filed this 14. day of October 1882 R. L. Williams Clerk

Present: A J Edgerton, Chief Justice, and J. E. Moody, J. P. Budde and J. A Hudson, Associate Justices, and the appeal herein having been argued by D McLaughlin for the Appellants and by Palmer & Van Cise for the Respondent, and the Court having advised thereof it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Lawrence County, appealed from herein, be and the same is hereby in all things affirmed by Operation of Law.

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court.

And it is further considered and adjudged that the Plff & Respondents have and recover of the Defts & Appellants his costs and disbursements on this appeal expended, taxed and allowed at

Chief Justice Edgerton
& Justice Hudson for
& against. Justices Budde
& Moody for affirmance.

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

John L Jarrell
v
Seth Bullock ..... } Consolidated Case

Upon motion of Counsel for the defendants and Appellants and by Consent of Plaintiffs Counsel

Ordered that the Remittitur in this Case be stayed for sixty days from this date to enable defendants to perfect appeal or writ of Error to the U. S Supreme Court if they shall be so advised

October 14 1882.

By the Court
A J Edgerton
Chief Justice

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11. S. Supreme Court. October Term A.D. 1882 11th Day of Term.
October 14th Continued

The United States of America }
Territory of Dakota } ss

In the Supreme Court

Appeal from the District Court of
Minnehaha County

Moline Plow Company
Plaintiff & Respondent
vs
Herman Filbert and
Jacob Schaetzel Jr
Defendants, Appellants

No 128
October Term 1882.

Filed this 16th day of October 1882.
B. J. McKinney Clerk

This action coming on to be heard at the October A.D. 1882 term of said Supreme Court at the Supreme Court Room, in the City of Jamestown, D. T.

Present: A. J. Edgerton, Chief Justice, and P. C. Moody, J. P. Kidder and S. A. Hudson, Associate Justices: and the appeal herein having been argued by L. S. Sweezey Esq for the Appellant, and by Melvin Frigsby Esq for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Minnehaha County, appealed from herein, be and the same is hereby in all things affirmed

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that the plaintiff and Respondent have and recover of the Defendants & Appellants his costs and disbursements on this appeal expended, taxed and allowed at twenty dollars & 70/100 dollars

All the Justices concurring

By the Court
A. J. Edgerton
Chief Justice Supreme Court D.T.

U. S. Supreme Court,

A. D. 18 .

Day of Term.

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U. S. Supreme Court. October Term A.D. 1882. 12th Day of Term.
Saturday October 28th 1882

Court met at the Court Room in the City of Jacksonville Pursuant to adjournment.

Present

Hon E. C. Woods Associate Justice Presiding
Chas. H. Test U.S. Marshal
Warren Adams Clerk
Henry Edgerton Bailiff
B. J. Williams Reporter

The Caledonia Gold Mining Co. Respondent
vs
John Forman et al
Appellants.

No 121

Opinion of the Court by Woods Justice announced, filed and entered of record this 28th day of October A.D. 1882

The United States
Deft in Error
vs
Crow Dog
Plff in Error.

No 119.

Opinion of the Court in the above entitled cause by Woods Justice, announced, filed and entered of record this 28th day of October 1882.

And now court is adjourned to the 13th day of November A.D. 1882 at 10 o'clock A.M. this said day

Attest B. J. Williams

U. S. Supreme Court,

A. D. 18 . Day of Term.

In the Supreme Court of the United States
Herman Gilbert and Jacob Schaefel Jr. Plaintiffs in Error
vs
Moline Plow Company Defendant in Error

Know all Men by these presents that We Henry L. Hollister and Benjamin F Campbell of Minnehaha County Territory of Dakota are held and firmly bound unto the Moline Plow Company in the sum of Threethousand dollars to be paid to the said Moline Plow Company its Successors and Assigns to which payment well and truly to be made We bind ourselves and each of us jointly and severally and our and each of our heirs, executors and administrators firmly by these presents

Sealed with our Seals and dated this 1st day of November, 1882

Whereas Herman Gilbert and Jacob Schaefel Jr have prosecuted a writ of error in the Supreme Court of the United States to reverse the judgment of the Supreme Court of the Territory of Dakota rendered in the above entitled action in which the said Herman Gilbert and Jacob Schaefel Jr were Plaintiffs and the said Moline Plow Company was Respondent.

Herman Gilbert et als vs Moline Plow Co Bond Filed November 1st 1882 A. L. Williams Clerk

Now therefore the condition of this obligation is such that if the above named Herman Gilbert and Jacob Schaefel Jr shall prosecute their said writ of error to effect and answer all damages and costs if they shall fail to make good their plea, then this obligation shall be void; else to remain in full force and virtue

Sealed and delivered in presence of

Guy Reed

H. L Hollister
B. F Campbell

Territory of Dakota } ss
County of Minnehaha }

On this 1st day of November 1882 before me personally appeared Henry L Hollister and Benjamin F. Campbell known to me to be the persons who are described in and who executed the above and foregoing instrument and severally acknowledged to me that they executed the same.

Guy C Reed
Notary Public
Fa for D T

Territory of Dakota } ss
County of Minnehaha }

Henry L. Hollister and Benjamin F. Campbell being severally known deposes and each for herself says that he is a resident and freeholder of the County of Minnehaha within said Territory of Dakota and that he is worth in property not exempt from execution the sum of three Thousand dollars over and above all his debts and liabilities

H. L Hollister
B. F. Campbell

Subscribed and sworn to before me this 1st day of November A.D. 1882

Guy C. Reed
Notary public in for D.T.

I hereby approve the foregoing bond and the sufficiency of the sureties and the writ of error issued on the above entitled cause is made a supersedeas.

Dated November 1st 1882.

A. L. Williams
Clerk Supreme Court

11. U. Supreme Court. Held at Yankton Term A.D. 1882. 13th Day of Term.
Monday Nov 13th 1882.

Court met at the Court Room in the City of Yankton D.T. pursuant to adjournment.

Present Hon. W.J. Edgerton Chief Justice

Warren Osborn Clerk
E Purnis Bailiff.
B.F. Wilkinson Clerk

The Court being duly opened the following proceedings were had.

E.A. Williams
Respondent
vs
Northern Pacific R.R. Company Appellant

} Appeal from the District Court of Bonhomme County.

Opinion of the Court by Edgerton Chief Justice announced, filed and entered of record this 13th day of November A.D. 1882.

Arthur S. Gamble
Appellant
vs
Lovicles In Probate as Administrator &c
Respondent

} Appeal from the District Court of Yankton County.

~~Opinion~~ Opinions of the Court by Edgerton Chief Justice announced, filed and entered of record this 13th day of November A.D. 1882.

The Territory of Dakota ex rel Peter D Peterson.
Respondent
vs
James Manchester
Appellant

} Appeal from the District Court of Brookings County.

Opinion of the Court by Seldon Bartlett announced, filed and entered of record this 13th day of November A.D. 1882.

U. S. Supreme Court,

Monday Nov 13th A.D. 18 Continued 13th Day of Term.

Molins Plow Company
Respondent
vs
Herman Gilbert et al
Appellant

Appeal from the District Court of Minnehaha County

Opinion of the Court by Rider Justice announced, filed and entered of record this 13th day of November A.D. 1882.

And now Court is adjourned until Monday the 20th day of November A.D. 1882. at 8 o'clock and 30 Minutes in the forenoon of said day

Attest B S Williams
Clerk

U. S. Supreme Court Feby October Term A.D. 1882. 14th Day of Term.
Monday Nov 20th 1882

Court met pursuant to adjournment.

Present

Hon A. J. Edgerton Chief Justice

B. S. Williams Clerk.

The Court being duly opened the following proceedings were had.

Nichols Shepard & Company Respondents
vs
Barnes & Magill. Appellants
} Appeal from the District Court of Cass County.

Opinion of the Court in the above entitled cause by Henderson Justice. announced, filed and entered of record this 20th day of November A.D. 1882.

The Northern Pacific Railroad Company Respondents
vs
Francis Peronto Appellants
} Appeal from the District Court of Cass County.

Opinion of the Court in the above entitled cause, by Henderson Justice, announced, filed & entered of record this 20th day of November A.D. 1882.

The Star Wagon Company Respondents
vs
A. Matthiessen Appellants
} Appeal from the District Court of Barnes County

Opinion of the Court in the above entitled cause, by Edgerton Chief Justice, announced and filed this 20th day of November A.D. 1882.

And now Court adjourned until Tuesday the 21st day of December A.D. 1882. at 8 o'clock and 30 minutes in the forenoon of said day

Attest B. S. Williams Clerk

Court met at the Court Room in the City of Jamestown D.T.
Present

Hon A J. Edgerton Chief Justice
[redacted]
Warren Osborn Clerk
B S Williams Clerk by E. Haines Deputy.

The Court being duly opened and no business being presented to the Court. now therefore it is ordered that this Court be further adjourned until the 14th day of February A.D. 1883 at 9 o-clock in the forenoon of said day.

Attest B S Williams
Clerk

Supreme Court of the United States 3
The Caledonia Gold Mining Company (formerly Henry Hartley et al) Respondents
vs
John Norman and Thomas F. Makan Appellants

Bond on Appeal

Know all Men by These presents. That We John Norman, Thomas F. Makan, Ben Baer and William H. Baird of the County of Lawrence and Territory of Dakota. are held and firmly bound unto the Caledonia Gold Mining Company mining property and doing business in the County of Lawrence and Territory of Dakota, in the sum of Five Thousand Dollars to be paid to the said Caledonia Gold Mining Company, its successors or assigns. To which payment well and truly to be made, We bind ourselves, and each of us, jointly and severally, and our and each of our heirs, executors and administrators, firmly by these presents — Sealed with our seals. Dated this 27th day of November A. D. 1882 — Whereas the above named John Norman and Thomas F Makan have appealed to the Supreme Court of the United States, to reverse the judgment and decree rendered in the above entitled action by the Supreme Court of the Territory of Dakota on the 14th day of October, A.D. 1882. Now, Therefore, the condition of this obligation is such, that if the above named John Norman and Thomas F Makan, shall prosecute their said appeal to effect and answer all costs and damages, including just damages for delay and costs and interest on the Appeal, if they shall fail to make good their plea, then this obligation shall be void; Otherwise to remain in full force and virtue.

Sealed and delivered in presence of
William H. Bailey
Geo. A. Wallace

John Norman (Seal)
Thomas F. Makan (Seal)
Ben Baird (Seal)
W. H. Baird (Seal)

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U. S. Supreme Court. A. D. 18 . Day of Term.

In Supreme Court
The Caledonia Gold Mining Co
Respondent
vs
John Woodward et al
Appellants
Bond on Appeal
Filed this 12 Day of December 1882.
B. F. Williams Clerk

Territory of Dakota County of Lawrence ss

Be it remembered that on this 28th day of November AD 1882 personally appeared before the undersigned clerk of said County, Thomas Nelson, Ben Baer, & Wm B. Baird personally well known to me to be the persons described in & who executed the foregoing instrument of writing and duly acknowledged to me that they executed the same for the uses and purposes therein expressed. In testimony whereof I have hereunto set my hand & attached the seal of said County the day and year last above

Frank J. Washburn Clerk of Court

United States of America. Territory of Dakota - County of Lawrence } ss

Ben Baer and Wm M. Baird being duly sworn, deposes and say and each for himself saith that he is worth the sum of five thousand dollars, over and above the just debts and liabilities, exclusive of property exempt from execution, and is a Resident and Householder in the said County of Lawrence.

Ben. Baer

Wm M Baird

Sworn to before me this 28 day of November A. D. 1882

Frank J. Washburn

Clerk Dist Court in and for Lawrence Co. D.T.

I approve the above bond and the sufficiency of the sureties thereto. this 12th day of December A D 1882

A J Edgerton

Chief Justice of the Supreme Court of the Territory of Dakota

Supreme Court of the United States

John L Jarrett Respondent & Appellant

vs

Seth Bullock and Sol Star and Seth Bullock Copartners doing business as Star & Bullock Appellants

Bond on Appeal.

Know all Men by these presents that We Seth Bullock, Sol Star, Thomas Nelson and Harris Franklin of the County of Lawrence, Territory of Dakota, are held and firmly bound unto John L Jarrett of Claremont, in the County of Sullivan and State of New Hampshire in the sum of five thousand (5.000 00) dollars to be paid to the said John L Jarrett, his Executors or Administrators. To which payment, well and truly to be made, We bind ourselves and each of us, jointly and severally, and our and each of our heirs, executors and Administrators jointly by these presents. Sealed with our seals. Dated this 28th day of November A. D. 1882

Whereas the above named Seth Bullock and Sol Star and Seth Bullock, Copartners as Star & Bullock, have appealed to the Supreme Court of the United States to reverse the judgment rendered in the above entitled action by the Supreme Court of the Territory of Dakota on the 14th day of October A.D. 1882.

Now, therefore, the condition of this obligation is such, that if the above

named Seth Bullock, and Sol Star and Seth Bullock, Copartners doing business as Star and Bullock, shall prosecute their said Appeal to effect, and answer all costs and damages, including just damages for delay and costs and interest on the Appeal, if they shall fail to make good their plea, then this Obligation shall be void; otherwise to remain in full force and virtue.

Signed and delivered in presence of
E. W. Mallory
William D. Reed

Seth Bullock (Seal)
Sol Star (Seal)
Alvin Fox (Seal)
Harris Franklin (Seal)

In Supreme Court Seth Bullock Respondent vs Seth Bullock et al Appellants

Territory of Dakota } ss.
County of Lawrence }

On this 23 day of December A.D. 1882 personally appeared before the undersigned Clerk of Court, Seth Bullock, Sol Star, Alvin Fox and Harris Franklin well known to me to be the persons described in and who executed the foregoing bond, and each duly acknowledged to me that they executed the same for the uses and purposes therein expressed. Witness my hand and Seal of said Court, the day and year last above written.

Frank J. Wolfenden Clerk

Filed this 12th day of December 1882
B. L. Williams Clerk

United States of America } ss.
Territory of Dakota } ss.
County of Lawrence }

Alvin Fox and Harris Franklin being duly sworn depose and say, and each for himself says, that he is worth the sum of five hundred Dollars, over and above his just debts and liabilities in property not exempt from execution, and is a resident and householder in said County of Lawrence. Alvin Fox
Harris Franklin

Subscribed and sworn to before me this 2nd day of December A.D. 1882. Frank J. Wolfenden clerk

I approve the above bond and the sufficiency of the sureties thereto. This 12th day of December A.D. 1882 A. J. Edgerton Chief Justice of the Supreme Court of the Territory of Dakota.

Filed this 31st day of January 1883
B. L. Williams Clerk

Know all Men by these presents that we Peter Johnson and M. Wellcox of Fargo and Francis Perrots of the same place of the County of Cass and Territory of Dakota are held and firmly bound unto the Northern Pacific Railroad Company in the sum of Three hundred dollars lawful Money of the United States to be paid to the said Northern Pacific Railroad Company for which payment well and truly to be made we bind ourselves, our executors and administrators jointly and severally by these presents. Sealed with our Seals and dated this 20 day of January A.D. 1883

The Condition of the above obligation is such that, Whereas Francis Perrots has appealed from a judgment rendered against him in the Supreme Court of the Territory of Dakota, wherein the said Francis Perrots is Appellant and the said Northern Pacific Railroad Company is Appellee, to the Supreme Court of the United States, Now, therefore, if the said Francis Perrots shall pay all costs, not exceeding three hundred dollars, which may be awarded against him, on the said Appeal or dismissal thereof, Then the above obligation to be void, otherwise to remain in full force and virtue.

Signed Sealed and delivered in the presence of
C. W. Butts
D. H. Tooney

Peter Johnson (Seal)
M. Wellcox (Seal)
Francis Perrots (Seal)
By C. W. Butts his Atty (Seal)

Territory of Dakota, County of Cass } ss.

Peter Johnson the person named in and who executed the foregoing undertaking, being first duly sworn doth, each for himself and not one for the other, depose and say that he is a resident and freeholder of Fargo in the County of Cass in said Territory and worth the amount of three hundred dollars above his debts and liabilities, and exclusive of his property exempt from execution

Subscribed and sworn to before me this 20th day of January A.D. 1883
Chas W Francis Notary Public

Peter Johnson
M. Wellcox

Approved
A. J. Edgerton
Chief Justice Dak.
Jan 31. 1883

I hereby approve the within bond and the sureties thereon
Jno C. Porter, Clerk of Sup. Court Dak. Ter.
By C. C. Morgan Deputy

C. W. Butts as Attorney & Agent for Francis Perrots

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U. S. Supreme Court Adj'd October Term A.D. 1882. 16th Day of Term.
Wednesday February 14th 1883.

Court met at the Court Room in this City of Jamestown Dt.
pursuant to adjournment.
Present
Hon A. J. Edgerton Chief Justice
W S Murdock
Warren Olson Union
B S Williams Esq Clerk Deputy. Clerk

Court being duly opened and no business being presented to the Court. Now therefore it is ordered that this Court be adjourned until the 3rd day of April AD 1883. at 10 o-clock in the forenoon of said day.

Attest B S Williams
Clerk

U S Supreme Court Adj'd October Term AD 1882. 16th day of Term.
Tuesday April 3rd 1883.

Territory of Dakota
In Supreme Court

I Alonzo J Edgerton Chief Justice of the Supreme Court of the Territory of Dakota by virtue of Authority vested in me by law as a justice of said Supreme Court do hereby adjourn said Court to the 7th day of May 1883. at 10 o clock in the forenoon of said day
Done at Jamestown this 3rd day of April AD 1883.

Attest B S Williams
Clerk.

A. J. Edgerton
Chief Justice

Court met at the Court Room in the City of Franklin D.T.
pursuant to adjournment.

Present

Hon A J Edgerton Chief Justice
H. Campbell U.S attorney
Harrison Allen Dep U.S Marshal by C A Carey deputy
Warren Osborn Crier
Henry Edgerton Bailiff
B. L. Williams Clerk

Court being duly opened and no business being presented. It is therefore ordered that this Court be now adjourned without day.

Attest B L Williams
Clerk

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U. S. Supreme Court. Fifth Term Of D. 1883. 1st Day of Term.
Tuesday May 8th 1883.

Be it Remembered that on this 8th day of May A.D. 1883 it being the second Tuesday of A.D. 1883. Court met at the Court Room in the City of Deadwood Territory of Dakota. pursuant to Law

Present

Hon A J Edgerton Chief Justice
" J A Henderson Associate Justice
" Wm E Church "
" J R Kiddle "
Hugh J Campbell U S Attorney
Harrison Allen U S Marshal by C A Gray Deputy.
Warren Osborn Crier
Henry Edgerton Bailiff
B J Williams Clerk

Court being duly opened the following proceedings were had

The United States
vs
Thomas Murphy et. al. } No 95
Appeal from the District Court of
Third Judicial District

The above entitled action being called in its order on the Calendar Now comes Hugh J Campbell Esq U S. Attorney and moves this Court that said cause be dismissed and no one appearing therefor. Now therefore Be it ordered by this Court that said cause be and it is hereby dismissed.

Bradford Stevens
Respondent
vs
C N. Briggs et al
Appellants } No 93
Appeal from the District Court of
Lawrence County.

The above entitled cause being called and no briefs or abstracts having been filed in this Court and no one appearing. it having been continued from the Term Since May Term A.D. 1881. Now therefore it is ordered by this Court that said cause be and it is hereby dismissed from the Calendar.

U. S. Supreme Court. May Term A.D. 1883. 1st Day of Term.
Continued

Robert G Grady
Respondent
vs
M. A. Baker
Appellant

No 132
Appeal from the District Court of Jamestown County

The above entitled actions being called Now comes L B French Esqr one of the attorneys for said Appellant in the above cause and proceeds with Oral argument, and now Pratt & Wright Esqrs Contra.— And thereupon cause submitted to the Court.

Territory of Dakota
In the Supreme Court
At May term 1883

In the matter of the admission of Francis M. Goodykoontz as an Attorney and Counselor at Law of said Court

And now May 8th 1883 comes L. B. French a Member of this bar and moves that Francis M. Goodykoontz who has been admitted to practice in the District Court of the second Judicial District of this Territory and who is a Citizen of the Territory be admitted and licensed to practice as an Attorney and Counselor at Law of and in this Court

L. B. French
Atty at Law

And same day on consideration of the above motion and the Court being satisfied that the said Applicant possesses the requisite qualifications it is ordered that said Motion be granted and the Applicant having in open Court duly taken the oath required by law it is further ordered that the said Francis M. Goodykoontz be and hereby is admitted and licensed to practice as an Attorney and Counselor at Law of and in this Court

By the Court
A. J. Edgerton
Chief Justice
Supreme Court

Filed May 8. 1883
B. F. Wilson
Clerk

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U. S. Supreme Court. May Term A.D. 1883. 1st Day of Term.
Tuesday May 8th Session

United States of America
Supreme Court of Dakota Territory, ss:

Be it Remembered, that on the 9th day of May in the year of our Lord One Thousand Eight Hundred and Eighty three personally appeared before the Honorable Supreme Court of Dakota Territory August Brasty an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to several acts of Congress heretofore passed on that subject - And the said August Brasty having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said August Brasty as from the testimony of Joseph Bader and M Demerell who are known to be citizens of the United States, that the said August Brasty has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same: and two years and upwards having elapsed since the said August Brasty reported himself and filed his declaration of intention as aforesaid.

It Was Ordered, that the said August Brasty be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Kingdom of Prussia and Empire of Germany whereof he was heretofore a subject; which said oath having been administered to the said August Brasty by the Clerk of the Court, it was ordered by the Court that the said August Brasty be admitted to all and singular the rights privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court under the seal of said Court, which is done accordingly

A. J. Edgerton
Chief Justice

Filed May 9th 1883 S. L. Pettigrew Clerk

U. S. Supreme Court, May Term A.D. 1883. 1st Day of Term.
Tuesday May 8th Continued

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Territory of Dakota
In Supreme Court

May Term 1883.

Stevens S. C. Clough
Henry Sawtell Copartners
under the name of Citizens Bank
Clough & Sawtell
Respondents

vs

Joseph Reed
Appellant

And now this 8th day of May A. D. 1883 the motion to dismiss the Appeal in this cause coming on to be heard, and due service of a notice of this motion, together with the affidavit and Certificate thereto annexed, having been made on Appellants Counsel on the 5th day of April 1883. And after hearing Lamb Brothers Attorneys for Respondent, and no one appearing for Appellant, and the Court being duly advised in the premises, and sufficient cause appearing therefor.

It is ordered that said Appeal be and the same hereby is dismissed and the Cause remanded to the District Court of Hughes County for proceedings according to law and that the Respondent recover of the Appellant their costs taxed and adjusted at Four and 75/100 dollars

Done in Open Court this 8th Day of May A. D. 1883

By the Court
A. J. Edgerton
Chief Justice

Attest B. S. Williams
Clerk

Judgment of dismissal - Filed May 8. 1883
B. S. Williams
Clerk

And now May 8th 1883 Court is adjourned until tomorrow May 9 1883 at 9 o-clock A.M. to
Attest B. S. Williams
Clerk

6-L

U. S. Supreme Court. May Term A.D. 1883. 2nd Day of Term.
Wednesday May 9th 1883.

Court met at the Court Room in the City of Yankton D.T.
pursuant to adjournment

Present

Hon A J Edgerton Chief Justice
" S. A. Henton Associate
" Orin Edwards "
" J P Ridder "
" Hugh Campbell U S Attorney
Harrison Allen by G. A. Gray Deputy marshal
Warren Osborn Crier
Henry Edgerton & G Jensen Bailiffs
B S Williams Clerk

The Court being duly opened the following proceedings were had

Oath of William E. Church Associate Justice of the Supreme Court of Dakota

United States of America
Territory of Dakota } ss

Before me the subscriber the Governor of the Territory of Dakota personally appeared

William E. Church

duly commissioned as Associate Justice of the Supreme Court of Dakota who took and subscribed the following oath by me duly administered as follows —

I William E. Church

do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the function of any office whatsoever, under any authority, or pretended authority in hostility to the United States; that I have not yielded any voluntary support to any pretended government, authority, power or constitution within the United States hostile or inimical thereto.

And I do further swear that to the best of my knowledge and ability I will support the constitution of the United States against all enemies foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obli-

gation freely without any mental reservation or purpose of evasion and that I will well and faithfully discharge the duties of the Office of Associate Justice of the Supreme Court for the Territory of Dakota, so help me God

William E. Church

Sworn to and subscribed before me this tenth day of April A.D. 1883 at the City of Yankton in said Territory of Dakota

In testimony whereof I have hereunto set my hand as Governor aforesaid and caused to be affixed the Great Seal of said Territory the day and year aforesaid

great seal

N. G. Ordway
Governor of Dakota Territory

By the Governor

James H Teller
Secretary of Dakota Ty

United States of America }
Territory of Dakota } Secretary's Office

I James H Teller Secretary of the Territory of Dakota, do hereby certify that I have carefully compared the foregoing copy of Oath of Office of William E. Church, Associate Justice of the Supreme Court of Dakota Filed in this Office April 7. 1883 recorded in Book of Executive Records page 426. with the original now on file in this Office, and that the same is a correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the Territory of Dakota, at Yankton this 9th day of May 1883

Great Seal

James H. Teller
Secretary of Dakota Territory

Filed in Open Court this 9th day of May A.D. 1883

B. J. Williams
Clerk

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U. S. Supreme Court. May Term A.D. 1883. 2nd Day of Term.
Wednesday May 9th Continued

Territory of Dakota
In the Supreme Court
May term A.D. 1883

In the matter of the admission of James W. Forster as an Attorney and Counselor at Law in said Court

And now on May 9th 1883 comes J. B. Gamble a member of this bar and moves that James W. Forster who has been admitted to practice in the District Court of the 2nd Judicial District of this Territory be admitted and licensed to practice as an Attorney and Counselor at Law of and in said Court

J. B. Gamble.
Attorney and Counselor at Law

And on same day, on consideration of the above motion and the Court being satisfied that the said Applicant possesses the requisite qualifications it is ordered that said Motion be granted. And the Applicant having in open Court duly taken the Oath required by Law it is further

Ordered that the said James W. Forster be and he is hereby admitted and licensed to practice as an Attorney and Counselor at Law of and in this Court

By the Court
A. J. Edgerton
Chief Justice

Filed May 9th 1883
B. L. Williams
Clerk

Territory of Dakota
In the Supreme Court
at May Term 1883.

In the matter of the admission of John N. Wright as an Attorney and Counselor at Law of said Court and now May 9th 1883, comes J. B. Gamble a member of this bar and moves that John N. Wright who has been admitted to practice in the District Court of the 6th Judicial District of the Territory, and who is a Citizen of the Territory, be admitted and licensed to practice as an Attorney, and Counselor at Law of and in this Court

J. B. Gamble
Atty

And same day on consideration of the above motion and the Court being satisfied that the said Applicant possesses the requisite qualifications it is ordered that said Motion be granted and the Applicant having in open Court duly taken the oath required by law it is further ordered that the said John A. Wright be and hereby is admitted and licensed to practice as an Attorney and Counselor at Law of and in this Court

A. J. Edgerton
Chief Justice

filed May 9th 1883
B. L. Williams
Clerk

Territory of Dakota
In the Supreme Court
At May Term 1883

In the matter of the admission of Alfred W. Bangs as an Attorney and Counselor at Law of said Court.

And now 9. May 1883 comes James H. Boland a Member of this bar and moves that Alfred W. Bangs who has been admitted to practice in the District Court of the Third Judicial District of this Territory, and who is a Citizen of the United States and of the Territory of Dakota, be admitted and licensed to practice as an Attorney and Counsellor at Law of and in this Court

James H. Boland
Attorney of said Court

And same Day on consideration of the above motion, and the Court being satisfied that the said applicant possesses the requisite qualifications it is ordered that said motion be granted and the Applicant having in open Court duly taken the oath required by law, it is further ordered that the said Alfred W. Bangs be and hereby is admitted and licensed to practice as an Attorney and Counsellor at Law of and in this Court

By the Court
Chief Justice

filed May 9th 1883
B. L. Williams
Clerk

U.S.

U. S. Supreme Court, May Term A.D. 1883. 2nd Day of Term.
Wednesday May 9th Session

Territory of Dakota
In the Supreme Court
at May term 1883

In the matter of the admission of Chauncey L. Wood as an Attorney and Counsellor at Law of said Court.

And now May 9th 1883 comes J. E. Semble, a Member of this Bar, and moves the Court that Chauncey L. Wood, who has been admitted to practice in the District Court of the First Judicial District of this Territory and who is a Citizen of this Territory be admitted licensed to practice as an Attorney and Counsellor at Law of and in this Court

J. E. Semble
Atty at Law

And same day, on consideration of the above Motion, and the Court being satisfied that the said Applicant possesses the requisite qualifications. It is Ordered, that the said Motion be granted. And the Applicant having in open Court duly taken the oath required by Law, it is further Ordered, that the said Chauncey L. Wood be, and he hereby is admitted and licensed to practice as an Attorney and Counsellor at Law, of and in this Court

By the Court
A. J. Edgerton
Chief Justice

Admission of C. L. Wood Esq.

Filed May 9th 1883
B. S. Williams
Clerk

U. S. Supreme Court, May Term A.D. 1883. 2nd Day of Term.
Wednesday May 9th Continued

United States of America
Supreme Court of Dakota Territory. ss.

Be it Remembered, that on the 10th day of May in the year of our Lord One Thousand eight Hundred and eighty three personally appeared before the Honorable Supreme Court of Dakota Territory Edward Hibbison an alien born, above the age of twenty One years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to several Acts of Congress heretofore passed on that subject. And the said Edward Hibbison having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several Acts of Congress, and the Court being satisfied, as well from the oath of the said Edward Hibbison as from the testimony of R. C. Lounsberg and Duncan McKercher who are known to be citizens of the United States, that the said Edward Hibbison has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a Man of good Moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order well being and happiness of the same; and two years and upwards having elapsed since the said Edward Hibbison reported himself and filed his declaration of intention as aforesaid;

It was ordered, that the said Edward Hibbison be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Queen of Great Britain whereof he was heretofore a subject, which said oath being administered to the said Edward Hibbison by the Clerk of said Court, it was ordered by the Court that the said Edward Hibbison be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly

A. J. Edgerton
Chief Justice

Filed May 10. 1883 S. L. Williams
Clerk

662

U. S. Supreme Court, May Term A.D. 1883. 2nd Day of Term.
Wednesday May 9th Continued

Territory of Dakota
In the Supreme Court
At May Term 1883

In the matter of the admission of E. B. Julian Cox as an Attorney and Counsellor at Law of said Court

And now May 9th 1883 comes J.B. Gamble a Member of this Bar and moves that E. B Julian Cox, and James H. Botard, who have been admitted to practice in the District Court of the 3rd Judicial District Court of the 3rd Judicial District of this Territory be admitted and licensed to practice as Attorneys and Counsellors at Law of and in this Court

J.B. Gamble,
Atty &c

And same day on consideration of the above motion and the Court being satisfied that the said Applicant possesses the requisite qualifications it is ordered that said motion be granted and the Applicant having in open Court duly taken the oath required by law it is further ordered that the said E. B Julian Cox & James H. Botard be and hereby are admitted and licensed to practice as Attorneys and Counsellors at Law of and in this Court

By the Court
A. J. Edgerton
Chief Justice

Filed May 9th 1883.
B. S. Williams
Clerk

Judson Blakeman
Appellant
vs
George P. Winship
Respondent,
} No 144.
Appeal from the District Court of Grand Forks County.

The above entitled cause being called in its order on the Calendar for argument & hearing Wm. Cowes E. B. Julian Esqr for said Appellant, and James H. Botard Esqr for the Respondent, and thereupon said cause submitted to the Court.

Territory of Dakota ex rel County Commissioners of Grand Forks County Respondents
vs
John J Cavanagh Appellant.
No 145
Appeal from the District Court Grand Forks County
Motion to Dismiss said cause.

The above motion coming on for argument & hearing. Comes E. St. Julien Cox in support of said motion. and James H. Bissell Contra. and now submitted to the Court.

Territory of Dakota ex rel. Williams Grandberg Respondent
vs
John W Rowlin Judge of the Probate Court of Pennington County. Appellant
No 133.
Appeal from the District Court of Pennington County.

Territory of Dakota ex rel Malcena L Martin Relator and
vs Respondent
John W Rowlin Probate Judge of Pennington Court Deft and Appellant
No 134

Territory of Dakota ex rel. David H. Clark Respondent.
vs
John W Rowlin, Judge of the Probate Court Appellant.
No 135

And now the above causes being called Mr Cox comes E. J. Wood Esqr & proceeds with oral argument for said Appellants.

And now Court adjourned until Thursday May 10 1883 at 9 o'clock AM the pleasure of Said City

Attest
B. D. Williamson
Clerk

U. S. Supreme Court. May Term A.D. 1883. 5th Day of Term.

Thursday May 10th 1883.

Court met at the Court Room in the City of Yankton D.T.
pursuant to adjournment.
Present

Honorable A. J. Edgerton Chief Justice
" S. A. Hudson Associate
" Wm. Blackmer "
" J. P. Rudden "
" Joseph J. Campbell U.S. Attorney
Harrison Allen U.S. Marshal by C. A. Gray Deputy.
Warren Osborn Crier
Henry Edgerton & C. Jensen Bailiffs
B. L. Williams Clerk

the Court being duly opened the following proceedings were had.

Territory of Dakota, ex rel Williams
Greenberg Respondents
vs
John W. Fowlin Judge of the Probate Court
of Pennington County. Appellant

No 133.

Territory of Dakota, ex rel. Mercena L.
Martin, Relator & Respondent.
vs
John W. Fowlin Probate Judge of Pennington
County. Def & Appellant.

No 134.

Territory of Dakota ex rel David H.
Black Respondent.
vs
John W. Fowlin Judge of the Probate
Court Appellant

No 135.

And now this 10th day of May A.D. 1883. the foregoing causes numbered from 133 & 135 inclusive come on for argument & hearing together by consent of Counsel and the Stenographer of the Court, Chauncey L. Hood Esq appears with further argument in each case for Appellants, and James W. Fowler Esq for Respondents. Both Counsel for the respective parties having argued the said causes & the Court having heard said argument. Each of the said causes is hereby referred to

U. S. Supreme Court, May Term A.D. 1883. 3rd Day of Term.
Thursday May 10th Continued

Territory of Dakota
In Supreme Court } 3

May term 1883

Robert Wittke
Respondent
vs
William M. Ward
Et al Appellants

And now on this 10th day of May 1883 the motion to affirm the judgments of the District Court in this case coming on to be heard and due service of a notice of this motion together with the affidavit and certificate hereto annexed having been made on Appellants Counsel on the 30th day of April 1883. And after hearing J. W. Fowler for the respondent and no one appearing for Appellants And the Court being duly advised in the premises, and sufficient cause appearing thereof.

It is Ordered that said Judgment of the said District Court be and the same is hereby affirmed

And that the respondent recover of the Appellants his costs herein taxed and adjudged at Four and 95/100 Dollars

Done in open Court this 10th day of May A.D. 1883
By the Court
A J Edgerton
Chief Justice

And now Court is adjourned until Friday May 11th 1883. at 9 o'clock in the forenoon of said day.

Attest
D. F. McKinney
Clerk

666

U. S. Supreme Court, May Term A. D. 1883. 4th Day of Term.

Friday May 11th 1883

Court met at this Court Room in the City of Deadwood D.T. pursuant to adjournment

Present

Honorable A J Edgerton Chief Justice
" J. A Gudison Associate
" Wm E Church "
" J F Kidder "
Hugh J Campbell U. S. Attorney
Harrison Allen U. S. Marshal by C. A Gray Deputy
Warren Woods Clerk
Henry Edgerton & C. Jensen Bailiff
B. L. Williams Clerk

The Court being duly opened the following proceedings were had

Territory of Dakota
In the Supreme Court
At May Term 1883

In the matter of the Admission of Arthur H. Noyes as an Attorney and Counselor at Law in said Court

And now to. May 1883 comes J. H. Boyard a Member of this Bar and moves that Arthur H. Noyes who has been admitted to practice in the District Court of the Third Judicial District of this Territory and who is a Citizen of the Territory, be admitted and licensed to practice as an Attorney and Counsellor at Law of and in said Court

J H Boyard
Attorney and Counsellor of Law of said Court

And on the same day, on consideration of the above motion and the Court being satisfied that the said Applicant possesses the requisite qualifications, it is ordered that the said Motion be granted, and the Applicant having in open Court duly taken the oath required by law it is further ordered that said Arthur H. Noyes be and he hereby is admitted and licensed to practice as an Attorney and Counsellor at Law of and in this Court

A J. Edgerton
Chief Justice

Filed May 11. 1883
B L. Williams
Clerk

U. S. Supreme Court, May Term A.D. 1883. 4th Day of Term.
Friday May 11th Continued

Supreme Court Dakota Territory, ss:

Be it Remembered, That on the 11th day of May in the year of our Lord One thousand Eight Hundred and eighty three personally appeared before the Honorable Supreme Court of Dakota Territory Wenzel Smejkal an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to several acts of Congress heretofore passed on that subject. And the said Wenzel Smejkal having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Wenzel Smejkal as from the testimony of Joseph Peir and Mike Desmond who are known to be citizens of the United States, that the said Wenzel Smejkal has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Wenzel Smejkal reported himself and filed his declaration of intention as aforesaid;

It was ordered, That the said Wenzel Smejkal be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Austria whereof he was heretofore a subject which said oath having been administered to the said Wenzel Smejkal by the Clerk of said Court, it was ordered by the Court that the said Wenzel Smejkal be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States, and that the same be certified by the Clerk of this Court, under the seal of said Court, which is done accordingly

A. J. Edgerton
Chief Justice

Wilbur D Russell
Appellant
vs
The Western Union Telegraph Company
Respondent.

No 139
Appeal from the District Court of Grand Forks County

And now this 11th day of May 1883 the above cause coming on for argument & hearing in its Order on the Calendar, and the cause being argued Orally by E St Julien Esqr for Appellant, and by Alfred Bangs Esqr for respondents. and thereupon cause submitted to Court

Edwin E Bates
Respondent
vs
Henry Calender
Appellant

No 140
Appeal from the District Court of Minnehaha County

And now this 11th day of May 1883 the above cause coming on for argument & hearing in its order on the Calendar. and argued by Watkins Esqr for appellant and by L S Sweezey Esqr for Respondents and thereupon submitted to the Court.

In the Supreme Court
Territory of Dakota
May Term 1883

In the matter of the Admission of John W. Bell, as an Attorney and Counsellor in said Court.

And now May 11th 1883 comes Bartlett Tripp, a Member of this Bar, and moves that John W. Bell who has been admitted to practice in the District Court of the Third Judicial District of this Territory, be admitted and licensed to practice as an Attorney and Counsellor at Law, of and in this Court ...

Bartlett Tripp.

Upon consideration of the foregoing motion, and the Court being satisfied that the said Applicant possesses the requisite qualifications and being fully advised in the premises, this 11th day of May 1883

Ordered that the said Motion be and is hereby granted and the Applicant having appeared in open Court and taken the oath required by law it is further ordered that the said John W. Bell be admitted

U. S. Supreme Court, May Term A.D. 1883 1st Day of Term.

Contestants

and licensed to practice as an Attorney and Counsellor at Law of and in this Court

By the Court
A. J. Edgerton
Chief Justice

Charles H. Wynn
Respondent
vs
Percival H. Edmisson
Appellant
} No 147
Appeal from the District Court of Minnehaha County

Motion to dismiss

The above motion coming on for argument & hearing Charles H. Wynn Esqr for said motion and Wells Corbin and Thompson Cause Submitted.

Territory of Dakota
In Supreme Court May Term 1883

Territory of Dakota Expel
M L Masten
Respondent
vs
John W Norbin Probate Judge
Appellant
} May 11. 1883 B. F. Williams Clerk

It is hereby ordered that the party in this case which shall or may desire a rehearing herein, may have sixty days in which to serve Notice thereof. done in open Court this 11th day of May 1883

By the Court
A J Edgerton Chief Justice

Territory of Dakota In Supreme Court
Territory of Dakota Exrel
William Granberg — Respondent
John W Norbin Probate Judge — Appellant
} May Term 1883

May 11. 1883 B. F. Williams Clerk

It is hereby ordered that the party in this case which shall or may desire a re-hearing herein. may have sixty days in which to serve notice thereof. done in open Court this 11th day of May 1883.

By the Court
A J Edgerton Chief Justice

Territory of Dakota Exrel David H. Clark Respondent
John W Norbin vs Probate Judge Appellant
} May Term 1883

May 11 1883 B. F. Williams Clerk

It is hereby ordered that the party in this case which shall or may desire a re-hearing herein may have sixty days in which to serve notice thereof. done in Open Court this 11th day of May 1883

By the Court
A J Edgerton
Chief Justice

607

N. D. Supreme Court. May Term A.D. 1883. 5th Day of Term.

Saturday May 12th 1883

Court met at this Court Room in the City of Jamestown D.T pursuant to adjournment

Present

Honorable A. J. Edgerton Chief Justice
" A. H. Hudson Associate
" Wm C. Church "
" J. P. Bilder "
Hugh J. Campbell U. S. Attorney
Harrison Allen U. S. Marshal by C. A. Gray Deputy
Warren Wilson Crier
Henry Edgerton & C Jensen Bailiffs
B. L. Williams Clerk

The Court being duly opened the following proceedings were had

Saturday May 12th 5th day

Same Officers as yesterday

Court being duly opened the following proceedings were had

Andrew Larson
Respondent
vs
City of Grand Forks
Appellant

No. 138
Appeal from the District Court of Grand Forks

And now this 12th day of May A.D. 1883 the above cause being called for argument & hearing Jas H. Beard Esq. for Appellant and Alfred Berry Esq for Respondent after hearing argument by the respective parties. Same day cause submitted

Samuel N Wood
Respondent
vs
Edward Lattester
Appellant

No. 130
Appeal from the District Court of Lawrence County

And now this 12th day of May 1883 the above cause coming on to be heard Bartlett Tripp Esq. presenting the cause on behalf of Respondent; and submitted on brief by Appellant

U. S. Supreme Court, May Term— Saturday May 12th 1883. 1st Day of Term.

Territory of Dakota ex rel
Board of County Commissioners
Grand Forks County
Resp't.
vs
John J Cavenagh
Appellant

No 145
Appeal from District Court
Grand Forks County

And now this 12th day of May 1883 the above cause being called in its order on the Calendar F. B. Board Esq. appearing for Appellant & E. B. Jackson Esq. for Respondent, and there upon Causes submitted

In Supreme Court
Territory of Dakota } ss.

By virtue of the power conferred upon this Supreme Court, as in the act of Legislative Assembly of the Territory of Dakota, approved February 21st 1879, provided it is Ordered, that Ellison G. Smith Esq. Counselor at Law of Yankton, Dakota, be and is hereby appointed reporter of the decisions of the Supreme Court of Dakota Territory, to hold his said Office for the term of four years, unless sooner removed by the Court; the said Reporter to give bond and qualify as by law required

By the Court
May 12th A.D. 1883
A. J. Edgerton
Chief Justice

Rule
Cases and Points to be printed
— Mode of printing —

All Cases and Points and all other papers furnished to the Court in Calendar Cases, shall be printed in octavo paper, with a margin on the outer edge of the leaf one and a half inches wide. The printed paper, exclusive of any marginal note or reference, shall be seven inches long and three and a half inches wide. The folio, numbering from the Commencement to the end of the case, shall be printed on the outer margin of the page. Small pica, solid, as the smallest letter and most compact mode of composition which is allowed. No charge for printing the matters mentioned in this rule, shall be allowed as a disbursement in a cause

unless the requirements of this rule, shall appear, to have been complied with in all papers printed
(This rule is printed in "small pica" solid)

Rule
Each Counsel limited to two hours

In the argument of a cause, not more than two hours shall be occupied by Counsel upon each side except by the express permission of the Court.

On the Supreme Court of Dakota Territory, at a term thereof begun and held at Jamestown on the 8th day of May A.D. 1883.
Present the Honorable A.J. Edgerton Chief Justice and S.A. Henderson Jno E. Church and J. Shidler Associate Justices thereof, the following order was made and entered of record, to wit,
Whereas B.S. Williams Clerk of the Supreme Court has rendered to this Court an account of his fees at the adjourned October Term A.D. 1882. and the regular Term of May A.D. 1883. with the items thereof, and in the presence of Hugh J. Campbell Esqr U.S. Attorney, has proved on oath to the Satisfaction of the Court that the Services therein charged have been actually and necessarily performed as therein Stated.
And whereas said charges appear to be just and according to Law. It is hereby ordered that said account amounting to Sixty dollars, be and the same is hereby approved

By the Court
A.J. Edgerton
Chief Justice

United States
Territory of Dakota
Supreme Court.

And now this 12th day of May A.D. 1883. the foregoing account having been rendered in open Court by Haugh & Campbell W.S Attorney, and it appearing to the Satisfaction of the Court that the Services & attendance charged were actually and necessarily rendered and that the Same is just & according to Law. It is ordered that the Same amounting to the Sum of forty dollars be and the Same is hereby approved

By the Court
A J Edgerton
Chief Justice.

3rd

U. S. Supreme Court. May Term A.D. 1883. 6th Day of Term.
Monday May 14th 1883

Court met at this Court Room in the City of Jamestown D.T.
pursuant to adjournment
Present

Honorable A J Edgerton Chief Justice
" L. A Hudson Associate
" W. C. Church "
" J. P. Bidder "
Hugh J Campbell U. S. Attorney
Harrison Allen U. S. Marshal by C A Pray Deputy
Warren Watson Crier
Henry Edgerton & C Jensen Bailiff
B. L. Williams Clerk

The Court being duly opened the following proceedings were had

Territory of Dakota }
In Supreme Court } May Term 1883

Charles H Wynn
Respondent
vs
Percival H Edmiston
Appellant

And now this Fourteenth day of May AD 1883 the motion to dismiss the Appeal in the above entitled Cause coming on to be heard, All the Justices of said Court, Viz; A J Edgerton Chief Justice. L. A Hudson, W^m C Church, and J P Bidder Associate Justices thereof as well as the Officers of said Court.

Charles H Wynn Esq being heard for the Respondent for the dismissal of said Appeal, and Jeff Wells, Wells, Contra, and the Court being duly advised in the premises, and sufficient cause appearing therefor. It is ordered that said Appeal be and the same is hereby dismissed and the Cause remanded to the District Court of Minnehaha County for further proceedings according to law. And it is further ordered that the Respondent Charles H Wynn have and recover of said Appellant Percival H Edmiston his costs and disbursements taxed and allowed at Seven Dollars & Eighty four Cents

Done in Open Court this 14th day of May AD 1883. By the Court
A J Edgerton
Chief Justice

Filed May 14th 1883
B. L. Williams Clerk.

U. S. Supreme Court, May Term A.D. 1883. 14th Day of Term. 43
Monday May 14th 1883
continued

The United States of America
Territory of Dakota } ss.

In the Supreme Court

Appeal from the District Court of Pennington County

Territory of Dakota ex. rel
William Granberg
Plaintiff - Respondent

vs

John W. Nowlin, Judge
of the Probate Court of
Pennington County
Defendant, Appellant.

No. 133

May Term 1883

This action coming on to be heard at the May A.D. 1883 term of said Supreme Court Room, at the Supreme Court Room in the City of Yankton, D.T.

Present: A. J. Edgerton, Chief Justice, and W. E. Church, J. P. Bidder and S. A. Hudson Associate Justices, and the appeal herein having been argued by J. F. Schrader & C. L. Wood for the Appellant, and by J. W. Foster & Van Eps & Wilson for the Respondent, and the Court having advised thereon, it is now hereby considered, ordered and adjudged, that the judgment of the said District Court within and for said Pennington County, appealed from herein be and the same is hereby Reversed and the writ ordered to be dismissed

And it is further ordered, that this Cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court.

And it is further considered and adjudged, that the Defendant have & recover of the Plaintiff his costs & disbursements on this Appeal expended, taxed and allowed at

By the Court
A. J. Edgerton
Chief Justice Supreme Court D.T.

all the Justices concurring

Filed this 14th day of May 1883
S. L. Williams
Clerk

67½

U. S. Supreme Court. May Term A.D. 1883. 1st Day of Term.

Monday May 14th 1883.

Continued

The United States of America }
Territory of Dakota } ss

In the Supreme Court

Appeal from the District Court of Pennington County

Territory of Dakota Ex-Rel
Marcena L. Martin, Relator
vs Respondent
Plaintiff
vs
Jotham W. Woodbin Probate
Judge of Pennington County
Defendant - Appellant

No. 134

May Term 1883

This Action coming on to be heard at the May A.D. 1883 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A. J. Edgerton, Chief Justice, and William E. Church, J. P. Bidder and J. A. Hudson, Associate Justices; and the appeal herein having been argued by J. L. Schrader and C. L. Wood for the Appellant and by J. W. Fowler Particia Wilson for the respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Pennington County, appealed from herein, be and the same is hereby Reversed and the writ ordered to be dismissed.

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that the Defendant have and recover of the Plaintiff his Costs and disbursements on this appeal expended, taxed and allowed at

Dll the Justices Concur.

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

Filed the 16th day of May 1883
E. S. Williams
Clerk

The United States of America }
Territory of Dakota } ss. In the Supreme Court
Appeal from the District Court of Pennington County

Territory of Dakota Ex. Rel
David H. Clark, Respondent
and Plaintiff
vs
John W. Fowler, Judge of
the Probate Court of Pennington
County,
Defendant, Appellant

No. 135
May Term 1883

This action coming on to be heard at the May, A.D. 1883 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice, and W. E. Church, J. P. Kidder and S. A. Hudson, Associate Justices; and the appeal herein having been argued by J. F. Thrasher & C. D. Wood for the Appellant, and by J. W. Fowler & Van Eps & Wilson for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Pennington County, appealed from herein, be and the same is hereby Reversed, & the writ ordered to be dismissed

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgement of this Court

And it is further Considered and adjudged, that the Defendant have and recover of the plaintiff his costs and disbursements on this appeal expended: taxed and allowed at

By the Court
A J. Edgerton
Chief Justice Supreme Court D. T.

All the Justices Concur.

Filed this 14th day of May 1883
B. J. Williams
Clerk

678

U. S. Supreme Court, May Term A.D. 1883. 6th Day of Term.
Monday May 14th 1883 continues

The United States of America
Territory of Dakota } ss

In the Supreme Court

Appeal from the District Court of Lawrence County

Samuel N Wood
Plaintiff and Respondent
vs
Edward Cathcart et al
Defendants and Appellants
} No. 130
May Term 1883

This action coming on to be heard at the May A.D. 1883 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A. J. Edgerton, Chief Justice, and Wm E Church, J. P. Kidder and I A Hudson, Associate Justices: and the appeal herein having been submitted on printed brief by J. M. Young Esq for the Appellant and by W. C. Kingsley and Bartlett Tripp Esq.rs for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Lawrence County, appealed from herein be and the same is hereby affirmed in all things

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that Samuel N Wood Plaintiff and Respondent have and recover of the Defendants and Appellants his costs and disbursements on this appeal expended: Taxed and allowed at

By the Court
A J Edgerton
Chief Justice, Supreme Court D. T.

I the Justice concur

Filed this 16th day of May 1883
B. L. Williams
Clerk

U. S. Supreme Court. May Term A. D. 1883. 6th Day of June.
Monday May 14th 1883
continued

The United States of America
Territory of Dakota } ss.

In the Supreme Court

Appeal from the District Court of Yankton County

Robert I. Grady
Pleintiff and Respondent
vs
M. A Baker
Defendant & Appellant

No 132

May Term 1883

This Action coming on to be heard at the May A.D 1883 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D T.

Present: A. J. Edgerton, Chief Justice, and Hon. S. Shannon, J. P. Bidder and J. A Hudson Associate Justices: and the appeal herein having been argued by Denney & Roark and C. G. J Harris Esq. for the Appellant, and by Hamilton Smith Esq. for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged that the judgement of the said District Court within and for said Yankton County, appealed from herein, be and the same is hereby affirmed in all things

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to Law, and the judgment of this Court

And it is further considered and adjudged, that Robert I. Grady Plaintiff and Respondent have and recover of the Defendant and Appellant his costs and disbursements on this Appeal expended, taxed and allowed at

By the Court
A. J. Edgerton
Chief Justice Supreme Court D T

all the Justices concur

Filed this 14th day of May 1883
S. Shannon
Clerk.

6:2

1883. 6th Day of Jan.
continued

In the Supreme Court

In the Matter of the Petition of [illegible]

for the Writ of Certiorari to the District Court of Iron Ports County

No. 138

Petitioner

Plaintiff and Respondent

vs.

The City of Iron Ports

Defendant and Appellant

This matter coming on to be heard at the May Sp. Term, 1883, thereof, held at the City of Jacobia N. J. before the Hon. [illegible] Chief Justice, and Hon. [illegible] Associate Justices; and the appeal herein having been argued by Mr. A. Wilder and Board Clifford Esqr. Counsel for the Petitioner and Mr. Frederic Esqr. for the Respondent, it is now here ordered, that the judgment of the said District Court be affirmed with costs and that the record be remitted to the said District Court

The United States of America }
Territory of Dakota } ss

In the Supreme Court

Appeal from the District Court of Grand Forks County

Wm D. Russell
Plaintiff and Appellant
vs
The Western Union Telegraph Company
Defendant, Respondent

- No. 139

May Term 1883

This action coming on to be heard at the May A D 1883 term of said Supreme Court at the Supreme Court Room, in the City of Yankton. D. T.

Present: A J Edgerton, Chief Justice, and Wm E Church, J P Bidder and S. A Hudson, Associate Justices; and the appeal herein having been argued by E. H Julien Esq for the Appellant, and by Messrs Woodruff and Bangs for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Grand Forks County, appealed from herein, be and the same is hereby affirmed in all things

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that the Western Union Telegraph Company Respondent have and recover of the Appellant his costs and disbursements on this appeal expended; taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

All the Justices concur

Filed this 14th day of May 1883
B. L. Williams
Clerk

The United States of America }
Eastern District of Michigan } ss

In the Supreme Court

Appeal from the District Court of Minnehaha County

United States	No 140
Plaintiff and Respondent	
vs	May Term 1883
Evan Callender	
Defendant & Appellant	

This cause coming on to be heard at the May Term 1883 thereof said Supreme Court at the Supreme Court Room in the City of Lansing D. T.

Present: C. F. Edgerton, Chief Justice and Wm E Church & P. Shidler and C. F Hudson Associate Justices; and the appeals herein having been argued by Cleff Miller & Wells for the Appellants and by Craig Marlow and Hoagey for the Respondent, and the Court having duly considered thereon it is now here ordered and adjudged that the judgment of the said District Court within and for said Minnehaha County, appealed from herein be and the same is hereby affirmed

And it is further ordered that this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court.

And it is further considered and adjudged that the Plaintiff and Respondent have and recover of the Defendants Appellant his costs and disbursements on this Appeal expended: taxed and allowed at Twenty Three dollars & fifty cents.

By the Court -
C. F. Edgerton
Chief Justice Supreme Court D.T.

Attest: [illegible]

Filed this 14th day of May 1883
[illegible]
Clerk

The United States of America
Territory of Dakota } ss.

In the Supreme Court

Appeal from the District Court of Stutsman County

J. I. Case Threshing Machine Company
Plaintiff & Appellant
vs
George W. Vennum
Defendant & Respondent

No. 141

May Term 1883

This action coming on to be heard at the May A.D. 1883 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A. J. Edgerton, Chief Justice, and Wm. E. Church J. P. Ridder and J. A. Hudson, Associate Justices; and the appeal herein having been submitted on printed brief by Messrs Wheeler and Hewett for the Appellant, and by Messrs Allen and Dodge for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Stutsman County, appealed from herein be and the same is hereby reversed and a new trial ordered.

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to Law, and the judgment of this Court

And it is further considered and adjudged that the Plaintiff and Appellant have and recover of the Defendant & Respondent his costs and disbursements on this appeal expended, taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

all the Justices concur

Filed this 14th day of May 1883
E. A. Williams
Clerk

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U. S. Supreme Court. May Term A.D. 1883. 6th Day of Term.
Monday May 14th 1883 continued

The United States of America
Territory of Dakota. } ss
In the Supreme Court

Appeal from the District Court of Stutsman County

Nathan Myrick
Plaintiff and Appellant
vs
Bole & Bill et al
Defendants, Respondents

No 142

May Term 1883

This Action coming on to be heard at the May A D 1883 term of said Supreme Court at the Supreme Court Room in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice, and Wm E Church, J P Ridder and S. A Hudson Associate Justices: and the appeal herein having been submitted in printed brief by White and Heaver for the Appellant, and by Huff Allen and Dodge for the Respondents and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Stutsman County, appealed from herein, be and the same is hereby reversed and a New Trial ordered

And it is further ordered, that this Cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged, that the Plaintiff and Appellant have and recover of the Defendant & Respondent his costs and disbursements on this appeal expended: taxed and allowed at

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

Hudson J Dissenting

Filed this 14th day of May 1883
B. L. Williams
Clerk

U. S. Supreme Court. May Term. No. 143. 1883. 6th Day of June.
Monday May 14th 1883 Continued

The United States of America }
Territory of Dakota } vs.

In the Supreme Court

Appeal from the District Court of Stutsman County

J. F. Powell & C. J. Douglas and Powell vs Douglas
Plaintiffs and Respondents
vs
Archibald McKechnie
Defendant and Appellant

No. 143

May Term 1883

This action coming on to be heard at the May A.D. 1883 term of said Supreme Court at the Supreme Court Room in the City of Jamestown, D. T.

Present. A. J. Edgerton Chief Justice and Wm. Templeton, J. S. Bolder and J. A. Shelton, Associate Justices, and the Appeal herein having been submitted on printed Briefs by Chas. Wilson, Lewis for the Appellants and by Chas. Wilson and Douglas for the Respondent, and the Court having considered the same, it is now duly considered, ordered and adjudged that the judgment of the said District Court within and for said Stutsman County aforesaid herein, be and the same is hereby affirmed

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of the Court

And it is further considered and adjudged, that Plaintiffs and Respondents have and recover of the Defendant and Appellant his costs and disbursements on this appeal expended, taxed and allowed at Forty Seven Dollars and Eighty five Cents.

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

All the Justices Concur.

Filed this 14th day of May 1883
E. S. Williams
Clerk.

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U. S. Supreme Court, May Term A.D. 1883: 6th Day of Term.
Monday May 14th 1883 continued

The United States of America }
Territory of Dakota } ss.

In the Supreme Court

Appeal from the District Court of Grand Forks County

Judson P Lasselman
Plaintiff & Appellant
vs
George B Winship
Defendant & Respondent

No 144

May Term 1883

This action coming on to be heard at the May SD 1883 Term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A. J. Edgerton, Chief Justice, and Wm E Church, J. P. Kidder and S. A. Hudson, Associate Justices; and the Appeal herein having been argued by & H Julien Cox Esq. for the Appellant and Neff Bogard and Clifford for the Respondent, and the Court having advised thereon, it is now here Considered, ordered and adjudged, that the judgment of the said District Court within and for said Grand Forks County, appealed from herein, be and the same is hereby affirmed

And it is further ordered, that this Cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged that Defendant & Respondent hereby have and recover of the Plff & Appellant his Costs and disbursements on this appeal expended, taxed and allowed at Nine dollars & fifteen (cents) ($9.15)

All the Justices concur.

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

Filed this 14 day of May 1883
B. L. Williams
Clerk.

U. S. Supreme Court, May Term A. D. 1883. 6th Day of Term.
Monday May 14th 1883
continued

EB

The United States of America
Territory of Dakota } ss
In the Supreme Court

Appeal from the District Court of Grand Forks County

The County Commissioners
of Grand Forks County
Plaintiff & Respondent
vs
John J Lavanagh
Defendant & Appellant

No 145
May Term 1883

This action coming on to be heard at the May A.D. 1883 Term of said Supreme Court at the Supreme Court Room, in the City of Jamestown, D. T.

Present: A. J. Edgerton, Chief Justice, and Wm E Church, J. P. Bidder and S. A. Hudson, Associate Justices; and the appeal herein having been argued by Messrs. Board & Clifford for the Appellant, and by E. St Julien Cox Esq. for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, That the judgment of the said District Court within and for said Grand Forks County, appealed from herein, be and the same is hereby reversed and the writ ordered to be dismissed

And it is further ordered, That this Cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that Defendant and Appellant have and recover of the Plaintiff and Respondent his costs and disbursements on this appeal expended, taxed and allowed at Nine dollars ~~already for costs~~

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

All the Justices concur

Filed this 14th day of May 1883
B. L. Williams
Clerk

Ex

U. S. Supreme Court. May Term A.D. 1883. 6th Day of Term.
Monday May 14th 1883 continued

The United States of America }
Territory of Dakota } ss.

In the Supreme Court

Appeal from the District Court of Lake County

James Feeney
Plaintiff & Respondent
vs
The Northern Pacific
Railroad Company
Defendant & Appellant

No. 123

May Term 1883

This action coming on to be heard at the May A.D. 1883 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A. J. Edgerton, Chief Justice, and Wm E. Church, J. P. Kidder and S. A. Bradford, Associate Justices; and the appeal herein having been submitted on printed Briefs by Wm P. Clough Esq for the Appellant, and by H. L. Miller Esq for the Respondent, and the Court having advised thereon, it is now here considered, ordered, and adjudged, that the judgment of the said District Court within and for said Lake County, appealed from herein, be and the same is hereby reversed and a New Trial ordered

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that Appellant

have and recover of the Respondent his costs and disbursements on this Appeal expended: Taxed and allowed at Eight Dollars and Sixty Cents.

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

Attest Hunting Turner

Dated the 16th day of May 1883
B. F. Whitney
Clerk

U. S. Supreme Court.

A. D. 18 .

Day of Term.

55

698

U. S. Supreme Court. May Term A.D. 1883. 1st Day of Term.

Saturday June 30th 1883.

Court met pursuant to adjournment.

Present

Hon A J. Edgerton Chief Justice

H Allen Esqr U S Marshal by Warren Osborn Deputy

Bailiff

B S Williams

Clerk

Court being duly opened the following proceedings were had viz:

James Finney
Respondent
vs
The Northern Pacific Rail Road
Company. Appellant

Opinion of the Court, in the above entitled cause, by Bradley Justice announced and filed and entered of record this 30th day of June 1883.

Clark & Bates
Respondent
vs
Henry Calender
Appellant

Opinion of the Court, in the above entitled cause by Bradley Justice announced and filed and entered of record this 30th day of June 1883.

And now same day Court is further adjourned to July 28th 1883 at 10 o clock in the forenoon of said day

Attest B S Williams
Clerk

U. S. Supreme Court, May Term A.D. 1883. 8th Day of Term.

Saturday July 28th 1883

Court met pursuant to adjournment.
Present

Hon A J. Edgerton Chief Justice

H Allen Esqr U S Marshal by W Osborn Deputy
B S Williams Clerk.

Court being duly opened. and no business being presented, and no opinions to be filed the Court is further adjourned until Monday the first day of October A D 1883. at 10 o-clock in the forenoon of said day

Attest B S Williams
Clerk

692

U. S. Supreme Court. May Term A.D. 1883. 2nd Day of Term.

Monday October 1st 1883.

Court met at this Court Room in the City of Jacksonville pursuant to adjournment.

Present

Hon A J. Edgerton Chief Justice.

H C Allen Esqr U S Marshal by Wm Osborn Deputy

H W Bradley Bailiff

B S Williams Clerk.

Court being duly opened the following proceedings were had

Nathan Ingrich
Appellant
vs
Rose & Bill et. al.
Respondents

to

Opinions of the Court in the above entitled cause by Hon Wm P Church Justice announced filed and entered of record this 1st day of October 1883.

And now Same day. Court is adjourned without day

Attest

B S Williams
Clerk

U. S. Supreme Court,

A. D. 18 . . Day of Term.

3

U. S. Supreme Court, October Term A. D. 1883. 1st Day of Term.

Tuesday October 2nd 1883.

Be it Remembered, that on this 2nd day of October A.D. 1883. it being the 1st Tuesday of October A.D. 1883. being the day set at the Court Room in the City of Yankton in the Territory of Dakota, pursuant to Law.

Present

Hon A. J. Edgerton Chief Justice
" Wm E. Church Associate Justice
W S Attorney
H Alles Esqr U S Marshal by W Osborn Deputy
Henry Bradley and H W Heinman Bailiffs
B S Wilkinson Clerk

Court being duly opened the following order was entered of record.

And now in consequence of the absence of Hon S. A. Henderson. and a quorum not being present Court is adjourned to Wednesday October 3rd 1883. at 9 o-clock in the forenoon of said day.

Attest B S Wilkinson
Clerk

U. S. Supreme Court, October Term A.D. 1883. 2nd Day of Term.

Wednesday October 3rd 1883

Court met at the Court Room in the City of Yankton D.T. pursuant to adjournment.

Present

Hon A. G. Edgerton Chief Justice
" S. A. Hudson Associate Justice
Opin E Church
Hugh J Campbell U.S Attorney
H Allen U.S Marshal by Hanna Ashton Deputy
H Bradley and H. W. Heinmen Bailiffs
B. S Williams Clerk.

Court being duly opened the following proceedings were ordered of record.

In consequence of the absence of Hon S. A Hudson Associate Justice. Court is further adjourned to Thursday October 4th A.D. 1883, at 9 o clock in the forenoon of said day

Attest B. S. Williams
Clerk

696

11. S. Supreme Court. October Term A.D. 1883. 5th Day of Term.

Shreveport Oct. 4th 1883.

Court met pursuant to adjournment.

Present

Hon. A.H. Edgerton Chief Justice
" L.F. Hudson Associate Justice
" Wm. R. Edmonds " "
" H.F. Campbell U.S. Attorney
Harrison Allen U.S. Marshal by Marcus Adams Dep'y
H. Bradley and H.W. Hawkins Bailiffs
B.D. Williams Clerk.

Court being duly opened the following proceedings were had, to wit:

The Police Jury of De Soto et al, Leonard Graves — Respondents — vs — Byrnes Cole A.O. Smith and E.H. Glynn Board of Canvassers — Appellants — } No 150. Appeal from the District Court of Caddo County.

And now October 4th 1883 the above entitled cause coming on for argument and hearing is in regular order on the Calendar. Now comes Hon G.B. Woody Counsel for Byrnes Cole et al said appellants and Hon G.G. Bennett Counsel,

And Court adjourned to Friday Oct 5th 1883 at 9 o'clock in the forenoon of said day.

Mark

B.D. Williams
Clerk

U. S. Supreme Court, October Term A. D. 1883. 4th Day of Term.

Friday October 5th 1883

Court met pursuant to adjournment

Present Hon A. G. Edgerton Chief Justice and Hon S. S. Hudson and Wm E. Church Associate Justices thereof.

H J Campbell Dist Attorney, Harrison Allen U. S Marshal by Warren Osborn Deputy.

H Bradley & Hobt Hinman Bailiffs

B. S Williams Clerk

Court being duly opened the following proceedings were had & Did;

Territory of Dakota ex rel. Leonard R. Graves Respondent.
vs
Lyman Cole et al, Appellants
No 156
Appeal from the District Court of Lincoln County.

And now comes Hon G. G. Bennett with Justice argument for the Respondents, Hon G. G. Wood closing for said appellants Stenographers notes submitted to the Court.

The Territory of Dakota ex rel, Wm Greenberg Respondent
vs
John W Fowlkes Probate Judge of Pennington County. Appellants

The Territory of Dakota ex rel. David H. Clark Respondent.
vs
John W. Fowlkes Probate Judge of Pennington County Appellants

The Territory of Dakota ex rel, M L. Martin Respondents
vs
John W Fowlkes Probate Judge of Pennington County Appellants

And now this 5th day of October 1883 the above entitled causes coming on for argument & upon by consent of Counsel and the permission of the Court Edwin Van Cise Esqr appears for the Appellants in each case of Clark v Greenberg. And now Court is adjourned until Saturday 6th day of October 1883 at 8 o'clock in the forenoon of said day

B. S Williams Clerk

U. S. Supreme Court, October Term A.D. 1883. 5th Day of Term.

Saturday October 6th 1883

Court met pursuant to adjournment.

Present

Hon A. G. Edgerton Chief Justice
" J. Henderson Associate.
" Wm E Edmonds " "
" Hugh J Campbell U S Attorney
Marcus Allen U S Marshal by Warren Osborn Dep'y
H Bradley Clerk H W. Hennessy Bailiff
B. J. Williams Clerk

Court being duly opened the following proceedings were had. &c.

The Territory of Dakota ex. rel,
Wm. Greenberg. Respondent.
vs
John W Nowlin Probate Judge of
Pennington County. Appellant. } No 133.

The Territory of Dakota ex. rel,
M. L. Martin. Respondent.
vs
John W Nowlin Probate Judge of
Pennington County Appellant. } No 134.

The Territory of Dakota ex. rel,
David H. Clark. Respondent
vs
John W Nowlin Probate Judge of
Pennington County Appellant. } No 135.

The above entitled causes coming on for further argument + hearing. Hon G. G. Moody for M. L. Martin one of the said Respondents.

Are now the following Resolutions Entered of Record.

U. S. Supreme Court, October Term A. D. 1883. Day of Term.
Saturday October 6th 1883

At a meeting of the Members of the Bar of the Supreme Court at Yankton on the 6th day of October 1883. the following resolutions expressive of there sentiments regarding the death of Judge Ridder were unanimously adopted; and the Chairman of the Committee was directed to present them to the Supreme Court with a request that they may be spread upon its minutes.

Resolved, That the practitioners before the Supreme Court of Dakota Territory, do express in this public manner, their sorrow at the death of the Honorable Jefferson P. Ridder, late Associate Justice of this Court, and do testify their high esteem for his public character and services, and regard for his memory.

The loss sustained by the Territory in his death is one that will be deeply felt. Identified with her interest for eighteen years, he has done much toward shaping her history. Coming to us with a reputation already established by faithful official service in other States, he has strengthened that reputation by his services here. Twice honored by the people of Dakota with election as their representative to Congress, his course there justified the trust they reposed in him and earned their cordial approbation. For fourteen years an Associate Justice of the Supreme Court, and dying now at a ripe age with his robes of office on him, it can be well said, that in him the law found a careful and painstaking expounder the profession a courteous and impartial judge, the people a faithful and incorruptible public servant.

Resolved, That the life and public services of Judge Ridder in this Territory, entitle him to an honorable rank in her history. Whether as Legislator, judge or Citizen, Dakota's interest were always his — The Members of the Bar, who knew him well, will remember him most kindly. To try a cause before him was a pleasure, for his courteous treatment always put the attorney at his ease. In his social life, his enemies were few, his friendships many and strong, and his companionship always agreable. A faithful husband and father, a kind Neighbor and friend, a good Citizen, an honest judge. We tender this tribute to his memory, deplore the loss sustained in his death by the bench bar and people, and so far as mortals may, pronounce his work well done.

Filed October 6. 1883
B. L. Wellington
Clerk

For U. S. Supreme Court, October Term A.D. 1883. 5th Day of Term.
Saturday October 6th 1883

In the Supreme Court of the Territory of Dakota
October Term 1883

Samuel A Wood
Respondent
vs
Edward Easthberston et al
Appellants

Now on this fourth Day of October 1883, This cause comes on to be heard on motion of Appellants for a rehearing, E. L. Bennett appearing for Appellants and Edwin Vanise for Respondent, and the Court being fully advised said motion is granted, the judgment rendered herein at the May Term of this Court and a rehearing and reargument of said cause ordered for this term of Court

By the Court
C. J. Edgerton
Chief Justice

Order sustaining motion for rehearing
Filed Oct. 10th 1883 as of the 4th day of October
B. F. Williams
Clerk

In the Supreme Court of Dakota Territory
October Term 1883

The Territory of Dakota ex rel
William Fenwberg Respondent
vs
John W Wootin Probate Judge
Appellant

Now at this time this cause coming before the Court on the application of the relator and respondent in appeal for a rehearing and reargument hereof - And the parties appearing by their Attorneys respectively, the relator and respondent in appeal by Vanise Britton his Attorney, and the appellant by C. L Wood Esq. his Attorney - And it appearing that at the term of the order and judgment of reversal heretofore made and entered by this Court in this cause the Court made its further order staying proceedings and granting relator and respondent in appeal sixty days time in which to make and file his motion and affidavits for a rehearing and reargument. And the said relator and respondent in appeal having within said time made and filed upon (Appeals) herein and filed in this Court his motion

U. S. Supreme Court, October Term A.D. 1883. 5th Day of Term.
Saturday October 6. 1883

and application to vacate, cancel and set aside the order and judgment of reversal of this Court, made in this cause at the May Term thereof 1883, and grant a rehearing and reargument thereof. And the said motion being duly filed, and continued to this term, and now by Consent of Counsel and after submission to the Court

It is by this Court Ordered that the order and judgment of reversal heretofore made and entered in this cause be and the same is hereby canceled, vacated and set aside and a rehearing and reargument hereof is granted and allowed. This cause to be by this Court now at this time heard, considered and decided the same as if said order and judgment of reversal had not been made or entered as aforesaid

Done in Open Court this 4th day of October 1883

By the Court

A. J. Edgerton

Chief Justice

Filed Oct 4th, 1883

B. S. Williams Clerk

In the Supreme Court of Dakota Territory
October Term 1883

The Territory of Dakota ex. rel
David H. Clark Respondent
v
John W Norton Probate Judge Appellant

Now at this time, this cause coming before the Court on the application of the relator and respondent in appeal for a rehearing and reargument hereof — and the parties appearing by their Attorneys respectively, the relator and respondent in appeal by Vanise & Wilson his Attorneys, and the Appellant by C. L. Wood Esq his Attorney. And it appearing that at the term of the order and judgment of reversal heretofore made and entered by this Court in this cause, the Court made its further order staying proceedings and granting relator and respondent in appeal herein 30 days time in which to make and file his motion and application for rehearing and reargument. And the said relator and respondent in appeal having within said time made, and served upon opposite counsel and filed in this Court his motion and application to vacate cancel and set aside the order and judgment of reversal

U. S. Supreme Court, October Term A.D. 1883. 5th Day of Term.
Saturday October 6th 1883

of this Court, made in this cause at the May term hereof 1883. and grant a rehearing and reargument thereof. And the said motion being duly filed and continued to this time, and now by consent of Counsel, And, after submission to the Court.

It is by this Court. Ordered that the order and judgment of reversal heretofore made and entered in this cause be and the same is hereby cancelled, vacated and set aside, and a rehearing and reargument thereof is granted and allowed. This cause to be by this Court now at this time heard, considered and decided the same as if said order and judgment of reversal had not been made or entered as aforesaid

Done in open Court this 6th Day of October 1883

By the Court

A J Edgerton
Chief Justice

filed Oct 6. 1883

B. L. Wilson
Clerk

In the Supreme Court of Dakota Territory
October Term 1883

The Territory of Dakota
on Rel M L Martin
Respondent
vs
John W. Vordin Probate Judge
Appellant

Now at this time this cause coming on before the Court on the application of the relator and respondent in appeal for a rehearing and reargument hereof. And the parties appearing by their Attorneys respectively. The relator and respondent in appeal by his Attorney H. Moody and the Appellant by his Attorney C. L. Wood. And it appearing that at the time of the order and judgment of reversal heretofore made and entered by this Court in this cause, the Court made its further order staying proceedings and granting relator sixty days time in which to make and file his motion and application for a rehearing and re-argument, and the said relator and respondent in appeal having within said time made, and served upon opposite Counsel and filed in this Court his motion and application to vacate, cancel and set aside the order and judgment of reversal of this Court aforesaid, and grant a rehearing and reargument thereof; and the said motion being duly filed and continued to this time, and now by consent of Counsel, and after submission

to the Court

It is by this Court Ordered that the order and judgment of reversed heretofore made and entered in this cause be and the same is hereby canceled vacated and set aside, and rehearing and reargument thereof is granted and allowed. This Cause to be by this Court now at this Term considered and decided, the same as if said order and judgment of reversed had not been made or entered as aforesaid

Done in Open Court this 6th Day of October 1883

By the Court

A J Edgerton

Chief Justice

Filed Oct 6th 1883

B. L. Williams

Clerk

In the Supreme Court Territory of Dakota

Robert Hawke

Respondent

vs

Edward Lofferbach

Appellant

It is hereby stipulated by and between the parties Appellant and Respondent in the above cause that the same may be docketed for hearing and determination at the present October 1883 term of the above Court with the same effect as though the transcript therein had been filed and the abstract and briefs served and filed in proper time for said term, the parties hereby expressly waiving the service of Brief and abstract

Jamestown D. T. Oct. 5th 1883

Albert Allen

Atty for Appellant

Alexander J Bowmer

Atty for Respondent

In the Supreme Court

Territory of Dakota

October term 1883

Robert Hawke

Respondent

704

U. S. Supreme Court, October Term A.D. 1883. 5th Day of Term
Saturday October 6th 1883

Robert Hanke
Respondent
vs
Edward Seffeck
Appellant

On the foregoing Stipulation
Ordered that this cause be docketed and placed upon the Calendar of this Court for hearing and determination at the present October A. D. 1883 term of this Court
Done in open Court this 5th day of October A.D. 1883
By the Court
A. J. Edgerton

Filed October 5. 1883.
B. L. Williams
Clerk

In the Supreme Court
Territory of Dakota

Robert Hanke
Respondent
vs
Adolph Edwards
Appellant

It is hereby Stipulated by and between the parties Appellant and Respondent in the above cause that the same may be docketed for hearing and determination at the present October 1883 term of the above Court with the same effect as though the transcript thereon had been filed and the abstracts and Briefs served and filed in proper time for said term. The parties hereby expressly waiving the service of Briefs and Abstracts. Jamestown D. T. Oct. 5. 1883_

Albert Allen
Atty for Appellant
Octavius J Plummer
Atty for Respondent

In the Supreme Court Territory of Dakota. October Term 1883
Robert Hanke
Respondent
vs
Adolph Edwards
Appellant

On the foregoing Stipulation. Ordered

That this cause be docketed and placed upon the calendar of this Court for hearing and determination at this present October A.D. 1883 term of this Court

Done in open Court this 5th day of October A.D. 1883

By the Court

A. J. Edgerton

filed October 5th 1883

B. S. Williams

Clerk

In the Supreme Court

Territory of Dakota

October Term 1883

Moses Pierce et al

Respondents

vs

Philander L Sparks et al

Appellants

It is hereby stipulated by and between the parties Appellants and Respondents in the above cause that the said Cause may be docketed for argument and determination at the present October 1883 term of the above Court, with the same effect as though the Abstract thereon had been served and filed, and the Briefs and points served and filed in proper time to have been placed upon the calendar for said term. The parties hereto waiving service of abstracts and briefs

Albert Allen

Atty for Appellants

Vance & Wilson

Attys for Respondents

In the Supreme Court Territory of Dakota

Moses Pierce et al

Respondents

Philander L Sparks et al

Appellants

On the foregoing and attached Stipulation Ordered that this cause be docketed and placed on the Calendar of this Court for hearing and determination at the present October A.D. 1883 Term of this Court

Done in open Court this 4th day of October A.D. 1883

By the Court

A. J. Edgerton

Filed Oct. 4th 1883

B. S. Williams Clerk

704

U. S. Supreme Court.

A. D. 18 . Day of Term.

U. S. Supreme Court, October Term A. D. 1883. 6th Day of Term.

Monday October 8th 1883

Court met pursuant to adjournment
Present

Hon A. G. Edgerton chief Justice
" L. A. Nicholson Associate "
" Wm E. Church " "
W S Attorney
Harrison Allen U S Marshal by Warren Osborn Deputy
H. Bradley & H. H. Harrison Bailiff
B J. Wilkins Clerk.

Court being duly opened the following proceedings were had

The Territory of Dakota ex rel
Wm. Granberg Respondent
vs
J. Bowles Probate Judge of Pennington County. Appellant } No 133

The Territory of Dakota ex rel
M L. Martin Respondent
vs
John W. Bowles Probate Judge of Pennington County. Appellant } No 134

The Territory of Dakota ex rel
D H Clark Respondent
vs
John W. Bowles Probate Judge of Pennington County. Appellant } No 135

The above causes coming on for further argument & hearing on motions for re-hearing Counsel Edwin Van Cise Esqr with argument for the Respondents Granberg & Clark

United States of America
Supreme Court of Dakota Territory, ss.

Be it Remembered, that the 8th day of October in the year of our Lord One thousand Eight Hundred and eighty three personally appeared before the Honorable, Supreme Court of Dakota Territory Jacob Jenner an alien born, above the age of twenty one years, and applied in open Court to be admitted to become a naturalized Citizen of the United States of America, pursuant

to the several acts of Congress heretofore passed on that subject. And the said Jacob Senner having thereupon produced to the Court record testimony showing that he had heretofore renounced and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Jacob Senner as from the testimony of Jacob J Faber and Peter Leasing, who are known to be Citizens of the United State, That the said Jacob Senner has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a Man of good moral character, attached to the principles contained in the Constitution of the United States, and well disposed to the good order well being and happiness of the same, and two years and upwards having elapsed since the said Jacob Senner reported himself and filed his declaration of intention as aforesaid.

It Was Ordered, That the said Jacob Senner be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince Potentate, State or Sovereignty whatever; and more particularly to the Emperor of Russia, whereof he was heretofore a subject, which said oath having been administered to the said Jacob Senner by the Clerk of said Court, it was ordered by the Court that the said Jacob Senner be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court under the seal of said Court, which is done accordingly

A. J. Edgerton Judge

United States of America
Supreme Court of Dakota Territory, ss:

Be it Remembered, That on the 8th day of October in the year of Our Lord One Thousand Eight Hundred and Eighty Three personally appeared before the Honorable Supreme Court of Dakota Territory Peter Faber an alien born, above the age of twenty-one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America, pursuant to the several acts of Congress heretofore passed on that subject. And the said Peter Faber having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress and the Court being satisfied, as well from the oath

of the said Peter Graber as from the testimony of Jacob J Graber and Peter Gering, who are known to be Citizens of the United States, that the said Peter Graber has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Peter Graber declared himself and filed his declaration of intention as aforesaid.

It was ordered, That the said Peter Graber be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever, and more particularly to the Emperor of Austria whereof he was heretofore a subject, which said oath having been administered to the said Peter Graber by the Clerk of said Court, it was ordered by the Court that the said Peter Graber be admitted to all and singular the rights, privileges and immunities of a Naturalized Citizen of the United States, and that the same be certified by the Clerk of this Court, under the Seal of said Court, which is done accordingly

A. J Edgerton Judge

United States of America
Supreme Court of Dakota Territory, ss.

Be it Remembered, that on the 8th day of October in the year of Our Lord One Thousand Eight Hundred and Eighty three personally appeared before the Honorable Supreme Court of Dakota Territory Lars Christiansen an alien born, above the age of twenty-One years, and applied in open Court to be admitted to become a naturalized Citizen of the United States of America pursuant to the several Acts of Congress heretofore passed on that subject. And the said Lars Christiansen having thereupon produced to the Court record testimony showing that he had heretofore declared himself and filed his declaration of his intention to become a Citizen of the United States, according to the provisions of said several Acts of Congress, and the Court being satisfied, as well from the oath of the said Lars Christiansen, as from the testimony of Henry Thornton and Jens Peter Meyhre, who are known to be Citizens of the United States that the said Lars Christiansen has resided within the limits and under the jurisdiction of the United States for at least [illegible]

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U. S. Supreme Court. October Term A.D. 1883. 6th Day of Jan
Sitting October 8. 1883 continued

ries at least one year last past within the Territory of Dakota, and that during the whole of that time he has behaved himself as a man of good moral character attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; and two years and upwards having elapsed since the said Lars Christianson registered himself and filed his declaration of intention as aforesaid:

It Was Ordered, That the said Lars Christianson be permitted to take the oath to support the Constitution of the United States, and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate State or Sovereignty, and more particularly to the King of Denmark whereof he was heretofore a subject, which said oath having been administered to the said Lars Christianson by the Clerk of said Court, it was ordered by the Court that the said Lars Christianson be admitted to all and singular the rights, privileges and immunities of a naturalized citizen of the United States and that the same be certified by the Clerk of this Court, which is done accordingly

A J Edgerton Judge

United States of America
Supreme Court of Dakota Territory, ss:

Be it Remembered, that on the 8th day of October in the year of our Lord One Thousand Eight Hundred and Eighty-three personally appeared before the Honorable Supreme Court of Dakota Territory Jens Peter Hanson an alien born, above the age of twenty-one years, and applied in open Court to be admitted to become a naturalized citizen of the United States of America pursuant to the several acts of Congress heretofore passed on that subject. And the said Jens Peter Hanson having thereupon produced to the Court record testimony showing that he had heretofore reported himself and filed his declaration of his intention to become a citizen of the United States, according to the provisions of said several acts of Congress, and the Court being satisfied, as well from the oath of the said Jens Peter Hanson as from the testimony of Thomas Thompson and Jens Peter Mathes who are known to be citizens of the United States, that the said Jens Peter Hanson has resided within the limits and under the jurisdiction of the United States for at least five years last past, and at least one year last past within the Territory of Dakota; and that during the whole of that time he has behaved himself as a Man of good moral character, attached to the principles contained in the Constitution of the United States and well disposed to the good order, well being and happiness of the same; and has for one year and upwards thereby elapsed since the said

U. S. Supreme Court, October Term A. D. 1883. 6th Day of Term.
Monday October 8. 1883
continued

Jany Peter Hanson respected himself and filed his declaration of intention as aforesaid; —

It Was Ordered, that the said Jany Peter Hanson be permitted to take the oath to support the Constitution of the United States and the usual oath whereby he renounced all allegiance and fidelity to every Foreign Prince, Potentate, State or Sovereignty whatever: and more particularly to the King of Denmark, whereof he was heretofore a subject, which said oath having been administered to the said Jany Peter Hanson by the Clerk of said Court, it was ordered by the Court that the said Jany Peter Hanson be admitted to all and singular the rights, privileges and immunities of a naturalized Citizen of the United States, and that the same be Certified by the Clerk of said Court, which is done accordingly

A J Edgerton Judge

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U. S. Supreme Court. October Term A.D. 1883. 7th Day of Term.

Tuesday October 7th 1883

Court met pursuant to adjournment.

Present

Hon M. J. Edgerton Chief Justice
" S. A. Hudson Associate "
" Ozni C. Church " "
W. S. Attorney
Harrison Allen U. S. Marshal by Warren Osborn Dpty
H. Bradley and H. W. Hinman Bailiffs
B. L. Wilkins Clerk

Court being duly opened the following proceedings were had. Viz:

The Territory of Dakota ex rel.
William Granberg Respondent
vs
John W. Hawkins Probate Judge of Pennington County Appellant

The Territory of Dakota ex rel
H. L. Martin Respondent
vs
John W. Hawkins Probate Judge of Pennington County. Appellant.

The Territory of Dakota ex rel,
D. H. Clark Respondent
vs
John W. Hawkins Probate Judge of Pennington County.

The above causes coming on for further argument. Edwin Van Bise Esq continuing his argument for said appellants Granberg & Clark. And now C. L. Wood Esq for the appellants in each of said causes submitted to the Court.

U. S. Supreme Court, October Term A. D. 1883. 8th Day of Term.
Wednesday October 10th 1883

Court met pursuant to adjournment
Present

Hon. M. J Edgerton Chief Justice
" S. A Hewdon Associate "
" W. L. Marsh " "
U. S. Attorney
Harrison Allen U. S. Marshal by Warren Osborn Dep
H. Bradley and H W Hinman Bailiffs
B. S. Williams Clerk

Court being duly opened the following proceedings were had, to Wit:

Samuel N. Wood
Respondent
vs
Edward Crichberton et. al
Appellants
No 130—

The above entitled cause coming on for a re-argument and re-hearing in its regular order on the calendar, now comes Hon F. T. Bennett on behalf of said Appellants and Edwin Vanise Esq. Contra - and thereupon cause submitted to the Court—

Robert Hawkes
Respondent
vs
L Defenbach
Appellant
No 156.

Robert Hawkes
Respondents
vs
Dolph Edwards
Appellant
No 159

Moses Peers et. al.
Respondents
vs
P. E. Spurrs et al
Appellants
No 158

And now this 10th day of October 1883 the above entitled causes Numbered from 156 to 158

coalitions come on for argument, hearing together, by Consent of Counsel and the permission of the Court.
Albert Allen Esq. appears for the Appellants in each case

And now Court adjourns until to morrow 9. a. m

S. Supreme Court, October Term A.D. 1883. 93rd Day of Term.
Thursday October 11th 1883

Court met pursuant to adjournment
Present

Hon. A. J. Edgerton Chief Justice
" S. A. Hudson Associate "
" W.m E. Church " "
H. S. Attorney
Harrison Allen U. S. Marshal by Warren Osborn Dep.y
H. Bradley and H. W. Hinman Bailiffs
B. S. Williams Clerk

Court being duly opened the following proceedings were had, to wit:

Robert Hawks
Respondent
vs
Ed. Deffenbach
Appellant
No 156.

Robert Hawks
Respondent
vs
Solph Edwards
Appellant
No 157

Moses Pierce et. al.
Respondents
vs
T. E. Sparks et. al
Appellants
No 158

And now Albert Allen for Appellant entering his argument

And now at 11 o. clock A. M. comes A. J. Plowman Esq for Rob Hawks said Respondent in the above causes,

U. S. Supreme Court, October Term A.D. 1883. 10th Day of Term.
Friday October 12th 1883

Court met pursuant to adjournment

Present

Hon. A. J. Edgerton Chief Justice
" S. A. Hudson Associate "
" Wm E. Lyon " "
H. S. Attorney
Harrison Allen U. S. Marshal by Warren Olson dep
H. Bradley and H. W. Sinnaman Bailiffs
B. S. Williams Clerk

Court being duly opened the following proceedings were had, to. Wit.

Robert Hawke
Respondent
vs
Ed Deffenbach
Appellant
No 156

Robert Hawke
Respondent
vs
Adolph Edwards
Appellant
No. 157

Moses Pierce et. al
Respondents
vs
P. L. Sparks et al
Appellants
No. 158

The above cause coming on for further argument
comes A J Sherman Esq for Robert Hawke said Respondent
and now Edwin Van Ox Esq for Moses Pierce et. al. Respondents
and Albert Allen with closing argument for said Appellants.
And thereupon cause submitted to the Court.

U. S. Supreme Court. October Term A.D. 1883. 20th Day of June.
Saturday October 13th 1883

Court met pursuant to adjournment
Present

Hon A. J Edgerton Chief Justice
" S. A Hudson Associate "
" Wm E. Church " "
U. S. Attorney
Harrison Allen U. S. Marshall by Warren Osborn dep'y
H. Bradley and H. W. Hinnman Bailiffs
B. S. Williams Clerk

Court being duly opened the following proceedings were had, to Wit:

In Supreme Court
Territory of Dakota } October Term 1883

Meyer Gottstein
Plaintiff & Respondent
vs
George H Newton
George W Jones et. al
Defendants & Appellants

At a Regular Term of the Supreme Court of the Territory of Dakota held at the City of Yankton in said Territory held on the 13th day of October A.D. 1883

Present. The Hon. A J Edgerton, Chief Justice, and Associate Justices Hudson and Church and the Officers of said Court.

On reading and filing notice of motion and affidavit of Daniel McLaughlin, and due service of said notice and affidavit having been made on appellants Counsel, on the 5th day of October 1883. and after hearing Lamb & Brothers, appearing especially for the purposes of this motion only, for the respondent, and Albert Allen Esq. appearing for the Appellants, and the Court being fully advised in the premises and sufficient Cause appearing Therefor

It is ordered that said Appeal be and the same hereby is dismissed, and and the Cause remanded to the District Court of Lawrence County for proceedings according to Law, and that the Respondent recover of Appellants their costs taxed and adjusted at Seven & 50/100 Dollars without prejudice however to a new Appeal

Done in open Court this 13th day of October A.D. 1883.

By the Court
A J Edgerton
Chief Justice

Attest
B. S. Williams Clerk

U. S. Supreme Court. October Term A.D. 1883. 14th Day of Term.
Saturday October 13. 1883 continued

The United States of America
Territory of Dakota } vs. In the Supreme Court

Appeal from the District Court of
Custer County

Territory of Dakota Ex Rel
Leonard K. Eaves
Plaintiff(s) Respondent October Term 1883

vs

Cyrus Cole. A P Smith
and E H Flynn Canvassing
Board
Defendants and Appellants

This action coming on to be heard at the October A. D. 1883 term of said Supreme Court, at the Supreme Court Room, in the City of Deadwood D. T.

Present: A. J. Edgerton, Chief Justice, and
L. A. Gladson and Wm E Church Associate Justices; and the appeal herein having been argued by S. C. Moody Esq. for the Appellant and by G. G. Bennett Esq. for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Custer County, appealed from herein be and the same is hereby reversed—
And it is further Ordered, that this Cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that the Appellant have and recover of the Respondent his costs and disbursements on this appeal expended, taxed and allowed at Fifty Six dollars and Eighty Cents

By the Court
A J Edgerton
Chief Justice Supreme Court D.T.

Received Supreme Court Dakota
Dec 7th 1883.

The United States of America
Territory of Dakota

In the Supreme Court

Appeal from the District Court of
Lawrence County

Samuel N Wood
Plaintiff Respondent
vs
Edward Cathbertson
et. al
Defendants appellants

October Term 1883

This action coming on to be heard at the October A.D. 1883 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A J Edgerton Chief Justice, and S. A. Hudson and Wm E Church Associate Justices, and the appeal herein having been argued by Granville G. Bennett Esq. for the Appellants, and by Edwin Vanlise Esq. for the Respondent, and the Court having advised thereon, it is now here considered ordered and adjudged, that the judgement of the said District Court within and for said Lawrence County, appealed from herein be and the same is hereby modified by allowing to the plaintiff the sum of three thousand dollars, being the principal Amount of the two notes sued upon, without interest, and deducting therefrom the Amount of interest already paid by Defendant Cathbertson in excess of the rate of twelve per Cent per annum upon said principal Amount, to be computed to the time such payments were made. In so far as it is not in accordance herewith the said judgment is hereby reversed. In all other respects it is affirmed

And it is further ordered that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court.

And it is further considered and adjudged, that the Appellants have and recover of the respondent his costs and disbursements on this appeal expended, taxed and allowed at Eleven Dollars & Eighty Cents.

Edgerton C. J
Dissenting

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

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U. S. Supreme Court. October Term A.D. 1883. 11th Day of Term.
Saturday October 13th 1883 continued

The United States of America
Territory of Dakota } ss.

In the Supreme Court

Appeal from the District Court
of Pennington County

Territory of Dakota, Ex. rel
William Lambery
Plaintiff & Respondent
vs
John W. Howlin Judge
of Probate of Pennington
County
Defendant and Appellant

October Term 1883

This action coming on to be heard at the October A. D. 1883 term of said Supreme Court at the Supreme Court Room in the City of Yankton, D. T.

Present. A. J Edgerton Chief Justice and S. A. Hudson, and Wm E Church Associate Justices; and the appeal herein having been argued by Messrs Shrader & Wood for the Appellant and by Messrs Vance Wilson and J C. Muddy for the Respondent and the Court being advised thereon, it is now here considered ordered and adjudged, that the judgment of the said District Court within and for the said Pennington County, appealed from herein be and the same is hereby reversed

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that the Deft & Appellant have and recover of the Respondent his costy and disbursements on this appeal expended herein and allowed at Two Hundred Eighty Six & 25/100 Dollars

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

Edgerton C. J
dissenting

U. S. Supreme Court. October Term A. D. 1883. 11th Day of Term.
Saturday October 13th 1883
continued

The United States of America
Territory of Dakota } vs.
In the Supreme Court

Appeal from the District Court
of Pennington County

Territory of Dakota. Ex-rel
M. L. Martin.
Plaintiff & Respondent
vs
John. W. Nordin Judge
of Probate of Pennington
County
Defendant and Appellant

October Term 1883

This action coming on to be heard at the October A. D. 1883 term of said Supreme Court at the Supreme Court Room, in the City of Yankton. D. T.

Present: A. J. Edgerton, Chief Justice, and S. A. Hudson and Wm E Church Associate Justices; and the appeal herein having been argued by Messrs Ufrader and Wood for the Appellant, and Messrs Von Cise Wilson and F. C. Moody for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Pennington County, appealed from herein be and the same is hereby reversed—

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged that the Defts and Appellants have and recover of the Plff & Respondents his costs and disbursements in this appeal expended, taxed and allowed at One Hundred ~~and fifty seven~~ & 96/100 Dollars

Edgerton C. J
Dissenting

By the Court
A J Edgerton
Chief Justice Supreme Court
D. T.

U. S. Supreme Court. October Term A. D. 1883. 11th Day of Term.
Saturday October 13th 1883 continued

The United States of America
Territory of Dakota

In the Supreme Court

Appeal from the District Court
of Pennington County

Territory of Dakota, Ex-rel-
David H. Clark
Plaintiff and Respondent

vs

John W Wolfe Judge
of Probate of Pennington
County
Defendant and Appellant

October Term 1883

This action coming on to be heard at the October A. D. 1883 Term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A. J. Edgerton, Chief Justice, and S. L. Hudson and Wm E Church Associate Justices, and the appeal herein having been argued by Messrs Shrader and Wood for the Appellant, and by Messrs Van Cise, Wilson, and T. C. Moody for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Pennington County, appealed from herein, be and the same is hereby reversed

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court.

And it is further considered and adjudged that the Respt have and recover of the Appellant his costs and disbursements on this appeal expended, taxed and allowed at Two Hundred and Fifty Dollars

By the Court
A J Edgerton
Chief Justice Supreme Court D. T.

Edgerton C. J.
Dissenting

U. S. Supreme Court, October Term A.D. 1883. 13th Day of Jan.
Saturday October 13th 1883 entered

In Supreme Court
Dakota Territory

The Territory of Dakota Ex. Rel
William Isenbury
Respondent
vs
John W. Nordin Judge of Probate
Court of Pennington County
Appellant

The Territory of Dakota Ex. Rel
M. L. Martin
Respondent
vs
John W Nordin Judge of Probate
Court of Pennington County
Appellant

The Territory of Dakota Ex. Rel
David H. Clark
Respondent
vs
John W. Nordin Judge of Probate
Court of Pennington County
Appellant

Upon motion of the Counsel for the Respondent, in each of the above entitled causes. Ordered that the remittiter in each of the said causes be and the same is hereby stayed for ninety days to enable said Respondent to perfect appeal or writ of error to the U. S. Supreme Court if he shall be so advised
Done in Open Court this 13th day of October A. D. 1883
By the Court
A J Edgerton
Chief Justice

Filed in open Court this 13th day of October 1883
B. L. Williams
Clerk.

U. S. Supreme Court, October Term, A.D. 1883. 11th Day of Term.
Saturday October 13th 1883

In the Supreme Court of Dakota Territory at a regular Term thereof, begun and held at Jamestown on the 2nd day of October 1883.

Honorables A J Edgerton, L. A Hudson and Wm E Church Judges thereof the following order was made and entered of record, to Wit:

Whereas B. L. Williams Clerk of the Supreme Court has rendered to this Court an account of his fees, at the adjourned May Term, and the regular October Term 1883, with the items thereof and in the presence of C. S. Palmer Esq. Assistant U. S. Attorney has proved on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated— And whereas said charges appear to be just and according to Law. It is hereby ordered that this said account amounting to Sixty five dollars be and the same is hereby approved

By the Court
A J Edgerton
Chief Justice

In the Supreme Court of Dakota Territory, at a regular Term thereof, begun and held at Jamestown, on the 2nd day of October 1883

Honorables A J Edgerton, L. A Hudson, and Wm E. Church, Judges thereof

the following order was made and entered of record to Wit:

Whereas B. L. Williams Clerk of the Supreme Court has rendered to this Court an account of his fees of the May Term 1883 with the items thereof, and in the presence of

has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated

And whereas said charges appear to be just and according to Law. It is hereby ordered that this said account amounting to Eleven dollars and Sixty cents be and the same is

U. S. Supreme Court. October Term A.D. 1883. 11th Day of June.
Saturday October 13th 1883

hereby dispersed

By the Court
A J Edgerton
Chief Justice

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III. D. Supreme Court, October Term A.D. 1883. 11th Day of Term.

Saturday November 17th 1883.

Court met at the Court Room in the City of Jamestown Dakota Territory. pursuant to adjournment.

Present

Hon A J Edgerton Chief Justice
" H J Campbell Ass Judge
Harrison Allen by W Albon Deputy
Bailiff
B S Williams Clerk

Court being duly opened and no business being presented on Opinions to be filed. Court is further adjourned to December 15th 1883. at 9 o-clock in the forenoon of said day

Attest B S Williams
Clerk

A. J. Edgerton
Chief Justice

U. S. Supreme Court. October Term A.D. 1883. 12th Day of Term.

Saturday December 15th 1883

Court met at the Court Room in the City of Yankton Dakota Territory pursuant to adjournment

Present.

Hon A J Edgerton Chief Justice
" H L Campbell U S Atty.
Marshal Allen U S Mr. by H. Osborn Deputy
Bailiff
B S Williams Clerk.

Court being duly opened & no business being presented or Opinions to be filed Court is declared to Monday May 12th 1884. at 9 o-clock, in the forenoon of said day

Attest B S Williams
Clerk

A J. Edgerton
Chief Justice

U. S. Supreme Court, October Term A.D. 1883. 13th Day of Term.

Monday May 12th 1884.

Court met at the Court Room in the City of Jamestown County of Dakota at 9 o'clock A.M. pursuant to adjournment.

Present

Hon A. G. Edgerton Chief Justice
H. Campbell U.S. Attorney
H. Allen 3rd Marshal by C. H. Grey Deputy
L. H. Eckley Bailiff. Grant Sharpe Crier
B. S. Williams Clerk

The Court being duly opened, now the following proceedings were had.

Judson P. Castleman
Appellant
vs
Geo B. Winship
Respondent. } No 144.

Opinion of the Court by Edgerton Justice in the above entitled action, published filed & entered of record this 12th day of May A.D. 1884

J. F. Powell v. R. J. Douglas
Respondent
vs
Archibald McKinnon.
Appellant. } No 143.

The Opinion of the Court by Edgerton Justice in the above entitled action published filed and entered of record this 12th day of May A.D. 1884.

County Commissioners of Grand Forks County. Respondent
vs
John J. Cavanaugh
Appellant. } No 145.

The Opinion of the Court by Edgerton Justice in the above entitled action, published filed and entered of record this 12th day of May 1884.

William D. Rusell
Appellant.
vs
The Western Union Telegraph
Company Respondent.
No 129.

The Opinion of the Court by Henderson
Justice in the above entitled action published & filed & entered
of record this 12th day of May 1884.

Territory of Dakota ex rel.
Leonard R. Graves
vs Respondent
Cyprus Cole et al.
Appellant
No 130

Opinion of the Court by Edgerton Chief
Justice in the above entitled action, published & filed & entered
of record this 12th day of May A.D. 1884.

Robert G. Grady
Respondent
vs
M A. Baker
Appellant
No 132.

The Opinion of the Court by Edgerton
Chief Justice in the above entitled action, published & filed & entered
of record this 12th day of May 12th 1884.

Andrew Larson
Respondent
vs
The City of Grand Forks Appellant
No 138.

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U. S. Supreme Court. May Term A.D. 1884. 1st Day of Term.

Tuesday May 13th 1884.

Be it Remembered, That on this 13th day of May 1884. it being the second Tuesday of May A.D. 1884. The Honorable Supreme Court of Dakota Territory, met at the Court Room in the City of Jamestown Dakota Ter. pursuant to Law.

Present

Hon A. J. Edgerton Chief Justice
" S. A. Henderson Associate Justice
" Wm E. Church " "
" W. S. Palmer " "
" H. G. Campbell U.S. Attorney
H. Allen U.S. Marshal by Gray Deputy
Bailiff L. H. Redding Clerk Grant Sharp Bailiff
B. L. Williams Clerk

The Court being duly opened the following proceedings were had.

1st calling of the Docket.

Alfred C. Dair
Respondent.
vs
Charles F. Rousseau
Appellant.
No

George W. Forbes
Plaintiff & Respondents
vs
Frederick Driscoll and Mathew Foley. Defts & Appellants
No 155.
Stipulations of Continuances.

It is hereby Stipulated & agreed by the parties to the above entitled cause now before the Supreme Court of Dakota Territory upon appeal from the District Court of Lawrence County, that the hearing, argument, and determinations of the said cause before the Supreme Court, may be and the same is hereby, continued and postponed from the May term of 1884 until the October Term 1884. of the said Supreme Court. Melvin W. Hastie atty for Pltff Respts.

Deadwood Dakota
April 16th 1884.

Eb Inglis & Van Brie & Mellen
Attys for Defts & Appellants

U. S. Supreme Court. May Term A.D. 1884. 18th Day of Term.

Tuesday May 13th 1884 Continued

Territory of Dakota
Supreme Court

May Term
A. D. 1884

In the matter of the Application of Alfred Wallin as an Attorney and Counsellor of said Supreme Court

And now on this 13th day of May 1884, being the fifth day of said May term of said Court the open Court comes Alfred J. Thomas Esq. who has heretofore been admitted to practice in the District Court of said Territory and rides is a Resident of this Territory, and an Attorney of this Court, and moves the Court that said Alfred Wallin be admitted an Attorney and Counsellor of this Court, and licensed to practice therein according to law and the rules and practice of this Court

Alfred J. Thomas
Attorney of the Supreme
Court

On presentation of the above motion the Supreme Court duly in consideration thereof it is ordered by the Court that said motion be granted, and it is further ordered that Alfred Wallin Esq. be and he is hereby admitted an Attorney and Counsellor of this Court and accordingly licensed to practice in this Court according to law and the rules of practice of this Court. And it is further ordered that the oath prescribed by law be administered in open Court to said Applicant which is accordingly done.

Dated this 13th day of May 1884

By the Court
A. J. Edgerton
Chief Justice

Territory of Dakota
In Supreme Court

In the matter of the admission of Amos Coggswell as an Attorney and Counsellor of said Supreme Court

Now on this 13th day of May A. D. 1884, being the fifth day of said Term comes Bartlett Tripp, an Attorney of this Court and moves that Amos Coggswell a practicing Attorney in the 4th Judicial District of this Territory, and a Resident thereof; be admitted an Attorney and Counsellor of this Court and licensed

to practice therein according to law, and the rules and practice of the Court

Bartlett Tripp
Atty Supreme Court

On presentation of the above and foregoing motion in open Court and on consideration thereof,

It is ordered by the Court that said motion be and the same is hereby granted. And it is further ordered that said Amos Coggswell be and he is hereby admitted an Attorney and Counsellor of this Court and accordingly licensed to practice in this Court according to law and the rules and practice of the Court; and it is further ordered that the oath prescribed by Law be administered in open Court to said applicant which is accordingly done this 13th Day of May A.D. 1884

By the Court
A J Edgerton
Chief Justice

Territory of Dakota
In Supreme Court

In the Matter of the admission of N. P. Bromley as an Attorney and Counsellor of said Supreme Court

Now on this 13th day of May A.D. 1884, being the first day of said term, comes Hugh J Campbell an Attorney of this Court and moves that N. P. Bromley a practicing Attorney in the 2nd Judicial District of this Territory, and a Resident thereof be admitted an Attorney and Counsellor of this Court and licensed to practice therein according to law, and the rules and practice of the Court

Hugh J Campbell
Atty Supreme Court

On presentation of the above and foregoing motion in open Court and on consideration thereof

It is ordered by the Court that said Motion be and the same is hereby granted, and it is further ordered that said N. P. Bromley be and he is hereby admitted an Attorney and Counsellor of this Court, and accordingly licensed to practice in this Court according to law and the rules and practice of the Court, and it is further ordered that the oath prescribed by law be administered in open Court to said applicant which is accordingly done this 13th day of May A.D. 1884

By the Court
A J Edgerton
Chief Justice

S. Supreme Court. May Term A.D. 1884. 1st Day of Term.

Tuesday May 13th Continued

Joseph L Holt et al. Appellants
vs
Joseph L Colton Respondent

No 173.
Appeal from the District Court for Cass County.

The above entitled action coming on for argument & hearing on the call of the Calendar. Now comes A. D. Thomas Esqr. one of the Attys for the said Appellants. and W. H. Sanborn Esqr. contra.—
And now A. D. Thomas with closing argument & thereupon cause submitted. —

Frank Brechler Respondent
vs
Parley D Higgins Appellant

No 179
Appeal from the District Court for Codington County.

The above cause being presented to the Court on motion of Amos Baggswell Esqr. for the dismissal of said cause, and no one appearing contra- the following order was entered of record—

Territory of Dakota

Supreme Court
May Term A.D. 1884

Frank Brechler Respondent
against
Parley L Higgins Appellant

A motion having been made by the Appellant for a new trial herein and an order having been duly made on the 13th day of August A.D. 1883 denying said motion, which order was afterwards on the 19th day of September filed in the Office of the Clerk of the District Court in & for the County of Codington, and the Appellant having appealed to this Court from said order (No judgment having been entered in said action) which notice of appeal was filed in the Office of the Clerk of said Court on the 29th day of October 1883 and on the same day served on the Respondents attorneys, and the Appellant having failed to cause a Certified Copy of said notice of appeal and of the order appealed from and the papers upon which said order was granted to be transmitted to said Supreme Court by the Clerk with whom the notice of appeal is filed & not the said Clerk of the District Court of

U. S. Supreme Court, May Term A.D. 1884. 6th Day of Term
Tuesday May 13. (written)

Codington County - within twenty days after his appeal was perfected or at any other time. And the respondent having duly moved this Court to dismiss the said appeal for the reason last aforesaid and also for the further reason that the said order appealed from (the same being an order refusing to the appellant a new trial herein and no judgement having been entered herein) is not an appealable order - And the respondent having given to the appellant due notice of his said Motion to dismiss said appeal and said motion coming on to be heard before the said Supreme Court Hon. Joseph Bradley Esq. one of the Attorneys of the respondent appearing in support thereof and no one appearing in opposition thereto

Ordered. That said appeal be and the same is hereby dismissed and that the respondent have and recover of the appellant his costs and disbursements in and about said appeal the same to be taxed by the Clerk of this Court and that he have execution therefor.

Let judgment be entered accordingly

Done in open Court and by the Court at the City of Yankton in the Territory of Dakota on this 13th. Day of May A.D. 1884

A J Edgerton
Chief Justice

Attest
Court adjourned to May 14th. at 9. A.M.
R S Williams
Clerk

U. S. Supreme Court, May Term A.D. 1884. 3rd Day of Term.

Wednesday May 14th 1884

Court met at the Court Room in the City of Fort Keogh pursuant to adjournment.

Present

Hon A. J. Edgerton Chief Justice
" S. A. Hawkins Associate "
" Wm E. Church " "
" C. S. Palmer " "
J. H. Campbell U.S. Attorney
Harrison Allen U.S. Marshal
L. H. Golding Bailiff Grand Marshal Bailiff Deputy
B. S. Wilkinson Clerk

Court being duly opened the following proceedings were had.

The United States
Plaintiff in Error
vs
James E. Robinson
Deft in Error
} No 160
Writ of Error to the 3rd Judicial District Court

The above entitled cause being called. It is hereby continued to the October A.D. 1884 Term by consent of the respective Parties.

The United States
Plaintiff in Error
vs
Lillie Fisher, alias Wilson, alias Peter Farrell,
Deft in Error
} No 161
Writ of Error to Third Judicial District Court.

The above entitled action coming on for argument & hearing. Hon J. H. Campbell Esqr U.S. Attorney appearing for said Plaintiff in Error, and no one appearing contra. And thereupon cause submitted.

D. Hubbard Tolman
Appellant
vs
The New Mexico and Dakota Ranch Company
Respondent
} No 171
Motion to strike the motion from the records

The above cause coming on for argument & hearing on the above motion E. Valentine Esqr for said motion & B. Shiff contra — and thereupon cause submitted.

U. S. Supreme Court, Terry Term A.D. 1884. 2nd Day of Term.

Wednesday May 14th 1884 Continued

In the matter of the admission of John C Murphy as an Attorney and Counsellor of said Supreme Court.

Now on this 14th day of May A.D. 1884 being the Second day of this Term comes Hugh J Campbell Esqr an Atty of this Court and moves that John C Murphy a practicing Attorney in this and Pend, and of this Territory, and a resident thereof, be admitted an Atty and Counsellor of this Court, and licensed to practice therein according to Law, and the rules and practice of this Court

Hugh J Campbell
Atty Supreme Court.

On presentation of the above and foregoing motion in open Court, and on consideration thereof.
It is hereby ordered by this Court that said motion be and the same is hereby granted, and it is further ordered that said John C Murphy be and he is hereby admitted as an Attorney and Counsellor of this Court, and accordingly licensed to practice in this Court according to Law and the rules and practice of this Court.
and it is further ordered that the oaths prescribed by law be administered in open Court to said applicant, which is accordingly done this 14th day of May A.D. 1884.

By the Court
A J Edgerton
Chief Justice.

D Hubbard Solomon
Appellant
vs
The New Mexico and Dakota Ditch Company
Appellee

No 171.
Appeal from the District Court for Lincoln County.

And now this 14th day of May A.D. 1884. the above entitled cause coming for an argument & hearing. Bartlett Tripp Esqr appearing for the said appellants. and Edward Van Cise Esqr for said Respondents. —
And thereupon Cause submitted to Court.

U. S. Supreme Court, May Term A.D. 1884. 22nd Day of Term.

Wednesday May 14 1884 Continued

William H. Hickey
Respondent
vs
B B. Richards
Appellant

No 149
Appeal from the District Court for Minnehaha County.

And now this 14th day of May A.D. 1884. the above entitled action being called for argument & hearing Wells Esqr appearing for & H. Wynn Esqr Atty for said Appellants. and Judge Hanson & Sweezey for said Respondents.
And thereupon cause submitted.

Court adjourned to Thursday May 15th 1884 A.D.

Attest
R. S. Williams
Clerk

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U. S. Supreme Court. May Term A.D. 1884. 5th Day of Term.

Thursday May 15th 1884.

Court met. at the Court Room in the City of Jamestown Territory of Dakota. pursuant to adjournment.

Present.

Hon A J. Edgerton Chief Justice
" S A. Hendersen Associate Justice
" Jno E Edmonds " "
" Hc A Palmer " "
" H. J Campbell U S Attorney
Harrison Allen U S Marshal by C A Grey Deputy
S H. Delany Bailiff
Grant Sharpe Crier
B S Williams Clerk

The Court being duly opened the following proceedings

The Territory of Dakota ex relatione E G Smith District Attorney for the second Judicial District of Dakota Territory
Respondents
vs
Hilo W Scott. Burleigh Spalding, Alexander McTavish, Chas H Myers, Geo A Mathews. Alexander Hughes, Henry L. Delong, John P Belding and W. D. Thompson,
Appellants

No 162

Actions of Jury Warrants
Appeal from the District Court for Yankton County

And now this 15th day of May A.D 1884. the above entitled actions coming for argument & hearing. by consent of counsel and the pleasure of the Court. Hon L. Niles Esqr appears for the appellants in said cause, and G. C. Moody Esqr for the Respondents therein.

And now at 6. P.M. Court adjourned to Friday May 16th 1884. at 9 o'clock A.M.

Attest
B S Williams
Clerk

U. S. Supreme Court, May Term A.D. 1884. 4th Day of Term.
Friday May 16th 1884.

Court met at the Court Room in the City of Jamestown D.T. pursuant to adjournment

Present

Hon A J. Edgerton Chief Justice.
" S A. Henderson Assoc "
" Wm E Edmonds " "
" C. J Palmer " "
" H J Campbell U S Atty
Hon Wm Allen U S Marshal by
S H. Elliott Bailiff Grant Stamps Clerk
B S. Williams Asst "

Court being duly opened the following proceedings were had: to wit:

The Territory of Dakota ex rel D G Smith Esqr District Atty for the Second Judicial Dist of Dakota Territory
Respondent
vs
Silas W. Scott et al
Appellants

No 162
Action of Quo Warranto.
Appeal from the District Court of Jamestown County.

And now this 16th day of May A.D. 1884. The above entitled action coming on for further argument & hearing. Bartlett Tripp Esqr & J. P. Gamble Esqr appearing with argument for the said Respondents, and W. Pledger and Wm L. Vilas Esqrs for the said Appellants.
And thereupon the cause was submitted to the consideration of the Court.,

Elk Valley Farming Company
Respondent
vs
C. C. Wolcott
Appellant

No —
Motion to Dismiss allowed by the Court and the following order entered of record.

Territory of Dakota
In Supreme Court
Elk Valley Farming Co Respondent
vs
C C Wolcott Appellant—

May Term 1884

And now this 16th day of May A.D. 1884. The motion to dismiss

U. S. Supreme Court May Term A.D. 1884. 4th Day of Term.
Friday May 16th 1884 continued

The appeal in this cause coming on to be heard and due service of a notice of this motion together with the affidavit thereto annexed — proof of having been made on the Counsel for said appellant, on the 10th day of May AD 1884. And after hearing C. B. Pratt Esq for said respondent and no one appearing for or on behalf of Appellant, and the Court having been duly advised in the premises and sufficient cause appearing therefor — It is ordered that said Appeal be and the same hereby is dismissed and the cause remanded to the District Court of Grand Forks County for proceedings according to law

And that the respondent recover of the Appellant its costs taxed at the sum of dollars

Done in open Court this 16th day of May AD 1884

By the Court
A J Edgerton
Chief Justice

Territory of Dakota
Supreme Court
May Term AD. 1884

Frank Breuhler Respondent
against
Perley E. Higgins Appellant

A motion having been made by the Appellant for a new trial herein and an order having been duly made on the 13th day of August AD 1883 denying said motion, which order was afterwards and on the 19th day of September filed in the Office of the Clerk of the District Court in and for the County of Cooleigton - and the Appellant having appealed to this Court from said order (no judgment having been entered in said action) which notice of appeal was filed in the Office of the Clerk of said Court on the 29th day of October 1883 and on the same day served on the Respondents Attorneys and the Appellant having failed to cause a Certified Copy of said notice of Appeal and of the order appealed from and the papers upon which said order was granted to be transmitted to said Supreme Court by the Clerk with return the notice of appeal as filed to and the said Clerk of the District Court of Cooleigton County within twenty days after this appeal was perfected or at any other time and the respondent having duly moved this Court to dismiss the said Appeal for the reason last aforesaid and also for the further reason that the said order appealed from, the same being an order refusing to the Appellant a new trial

herein and no judgment having been ordered herein) is not an appealable order, and the respondent having given to the Appellant due notice of his said motion to dismiss said appeal and said motion coming on to be heard before the said Supreme Court Amos Coggswell Esq. one of the Attorneys of the Respondent appearing in support thereof, and no one appearing in opposition thereto

Ordered - That said appeal be and the same is hereby dismissed, and that the Respondent have and recover of the Appellant his costs and disbursements to be taxed by the Clerk of this Court and that he have execution therefor. Let judgment be entered accordingly

Done in open Court and by the Court at the City of Yankton in the Territory of Dakota on this 13th day of May A.D. 1884

A J Edgerton
Chief Justice

In Supreme Court
Territory of Dakota

And now this 16th day of May 1884 comes John B Sample Esq and moves the Court for the admission of Johnson Nickey and James Robinson as Attorneys of this Court, each of whom are residents of this Territory & men of good moral character and practicing Attorneys of the District Court of the 3d Judicial District of this Territory and Residents thereof, be admitted as Attorneys and Counsellors of this Court and licensed to practice therein according to law and the rules and practice of the Court

L. B. Sample
Atty Supreme Court

On presentation of the above and foregoing motion in open Court and on consideration thereof

It is ordered by the Court that said motion be and the same is hereby granted. And it is further ordered that said Johnson Nickey and James Robinson be and are hereby admitted as Attorneys and Counsellors of this Court and accordingly licensed to practice in this Court according to law and the rules and practice of this Court, and it is further ordered that the oath prescribed by law be administered in open Court to said Applicants, which is accordingly done this 16th day of May A.D. 1884

By the Court

Chief Justice

U. S. Supreme Court, Inaug Term A.D. 1884. 4th Day of Term.
Friday May 16th 1884.

Ambrose G. Bruce
Respondent
vs
The First National Bank of
Deadwood Appellant

No 170
Appeal from the District Court of
Lawrence County.

And now this 16th day of May A.D. 1884 the above cause coming on for argument & hearing Edward Dunbier Esqr. for the said Appellants. H. Langhorne Esqr contra.

Territory of Dakota In Supreme Court

In the matter of the admission of C. B Pratt as an Attorney and Counsellor of said Supreme Court

Now on this 16th Day of May A.D. 1884 being the fourth day of said Term comes Bartlett Tripp Esq Attorney of this ~~Court, and State of~~ This Territory, and it appearing that C. B. Pratt Esq practicing Attorney in the 3d Judicial District of this Territory, and a Resident thereof be admitted an Attorney and Counsellor of this Court and licensed to practice therein according to Law, and the rules and practice of the Court

Bartlett Tripp
Atty Supreme Court

On presentation of the above and foregoing motion in Open Court and on Consideration thereof

It is Ordered by the Court that said motion be and the same is hereby granted. And it is further ordered that said C. B. Pratt Esq be and he is hereby admitted an Attorney and Counsellor of this Court and accordingly licensed to practice in this Court according to law and the rules and practice of the Court; and it is further ordered that the oath prescribed by law be administered in open Court to said Applicant, which is accordingly done this 16th day of May A.D 1884

By the Court
A. J. Edgerton
Chief Justice

And now
Court adjourned to Saturday May 17th 1884
at 9 o'clock A.M.

Attest
B. L. Williams
Clerk

U. S. Supreme Court, Irwin Term A.D. 1884. 3rd Day of Term.

Saturday May 17th 1884

Court met at the Court Room in the City of Jamestown Dakota Territory. pursuant to adjournment.

Present Hon A J. Edgerton Chief Justice.
" S A Henderson Associate Justice
" Wm E Church " "
" C S Palmer " "
H G Campbell U S Attorney
Hanson Allen U S Marshal by C A Gray Deputy
S H Edelring Bailiff

B L Williams Clerk.

Court being duly opened the following proceedings were had &c.

Ambrose G. Bruce
Respondent
vs
First National Bank of
Deadwood. Appellant
} No 170.
Appeal from the District

And now this 17th day of May A.D 1884.
the above entitled action coming on for further argument and hearing D McLaughlin Esqr continuing his argument for the Respondents. and G.C. Moody Esqr for Appellants And thereupon cause submitted to the Court.

Alice M Stewart
Appellant
vs
The Saint Paul, Minneapolis & Manitoba R R Company
} No 169
Appeal from the District Court of Cass County.

And now this 17th day of May A.D 1884, the above entitled action coming on for argument & hearing. Inop Miller & Greer appearing for the said Appellants and Greenleaf Clark Esqr for the Respondents And thereupon cause submitted to the Court

And now Court is adjourned to Monday May 19th 1884 at 9 o-clock A.M.

Attest B L Williams
Clerk.

[illegible] Supreme Court of Utah.

Monday May 19th 1884.

Present the Hon Supreme Court of the Territory of Utah.

Hon [illegible] Chief Justice
" J F Anderson Associate "
" Wm C Dickson " "
" S S Partridge " "

H J Hempstead U S Attorney
Messrs Allen & Shurtliff for Appellants
A H Ebbing Bailiff Grant Heaps Esqr
P S Williams Esqr for Respondents

The Court being duly opened the following proceedings were had & Order.

Williams Sloan
Respondents
vs
Dolan Powers et al
Appellants

No 162
Appeal from the District Court of Shoshone Co

Messrs Nichols Edgr appearing for Appellants and Messrs Dodge Edgr for said Respondents. cause submitted

Archibald Semple et al,
Respondents
vs
J H Beers et al
Appellants

No 165
Appeal from the District Court for Cass County.
Motion to quash bill of Exceptions

Jno Wilson Esqr for said motion. and Mr Dodge Esqr contra

Semple
Respondent
vs
A. Sloan & D. Curtis
Appellants

No 166
Appeal from the District Court of Cass County
Motion to quash bill of Exceptions

Jno Wilson Esqr for said motion
Ernest W Dodge Esqr opposing the same

U. S. Supreme Court, Term: Term (C.T.) 1884. 6th day of Term.

Thursday Term 17th 1884 Continued

Territory of Dakota
Respondent
vs
W F Steele et al
Appellants

No 167
Appeal from the District Court
for Cheyenne County

And now this 17th day of Term A.D.
1884, the above entitled cause coming on for argument
hearing Mr. E. Dodge and Bartlett Tripp Esqs appearing
for the said Appellants and Alfred Mellen Esq. for
the Respondents.
And thereupon the cause submitted to the Court

Williams Valley
vs
E H Palmer

No 152.
Appeal from the District Court
for Cass County.

The above cause continued this October Term A.D 1884. Upon
by request of Messrs Snider & Green Appellants Attys.

And now Court adjourns Tuesday Term 20th 1884.
at 9 o-Clock in the forenoon of said day.

Attest B. S. Williams
Clerk

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U. S. Supreme Court, Juney Term A.D. 1884. 7th Day of Term.

Tuesday June 20th 1884

Court met at the Court Room in the City of Jamestown Dakota.
Sessions pursuant to adjournment.

Present Hon A J Edgerton Chief Justice
" S A Henderson Associate "
" Jno E Edwards " "
" C S Palmer " "
H J Campbell U S Attorney
Harrison Allen Esq Sheriff by C A Gray Deputy
L H Golding Bailiff Grant Sharp Crier
B J Williams Clerk

The Territory of Dakota ex rel
John F Burbank
Respondent
vs
Hebert Knudson et al as the
Board of County Commissioners
Union Co D T Appellants

No 159.
Appeal from the District
Court for Union County

And now this 20th day of June
A D 1884 the above entitled actions coming on for argument
hearing. Bartlett Tripp and Alexander Hughes Esqrs
appearing for the appellants and L S Lovejoy and
J R Barnes Esqrs for the Respondent.
And thereupon cause submitted to Court

Barbara Muldoney
vs
Asa Fisher et al

Appeal from the District Court
of Burleigh County.

Motion to dismiss the appeal in the
above cause coming on for argument. J R Barnes
Esq read for said Motion and Alexander Hughes
contra —

Territory of Dakota
In Supreme Court
May Term 1884

John Nicholson
Appellant
vs
L C Brant
Respondent

And now on this 20th day of May A. D 1884 the
motion to dismiss the Appeal in this action coming on to be heard

and due notice of said motion and the proofs annexed thereto, having been made on behalf of said Appellant on April 25th 1884, and Wilson J Sawyer appearing for Respondent, and no one appearing contra the Court being duly advised and sufficient cause appearing therefor

It is ordered that said appeal be and the same is hereby dismissed

And that the respondent recover of the Appellant his costs herein taxed at the sum of Seventy Seven ~~00/100~~ dollars.

Done in open Court this 20th day of May 1884

By the Court:
A J Edgerton
Chief Justice.

Supreme Court.
Territory of Dakota } May Term 1884

Robert Hopkins and Judson Wilson partners doing business under the firm name of Hopkins & Wilson
Respondents,

vs

Judson S Tallman
Appellant

The motion to dismiss the appeal herein coming on to be heard before the Court, and after hearing Lamb, Bartlett of Counsel for plaintiff and Respondent for said motion, and no one appearing Contra, and the Court being duly advised in the premises it is

Ordered that said appeal in this cause be and the same is hereby dismissed and the cause remanded, and it is further ordered that the respondents recover of the Appellant Seventy One & 50/100 dollars costs

May 20 1884

By the Court:
A J Edgerton Chief Justice

In Supreme Court } May Term 1884
Territory of Dakota, }
Jacob Bendelhoff and }
W Hoffman co partners as }
Bendelhoff and Hoffman }
Respondents }
vs }
A D Barquest and B. O. Barquest }
partners as A D Barquest & Bro Appellants }

The motion to dismiss the appeal herein coming on to be

Y. H. S. Supreme Court, May Term A. D. 1884. 7th Day of Term.
Tuesday May 20th 1884 Continued

to be heard in open Court and after hearing Gamble Bostwick of Counsel for Plaintiffs and Respondents for said motion and no one appearing contra, and the Court being duly advised in the premises

Ordered that said motion is granted, and the said appeal of the defendant and Respondents be and the same is hereby dismissed, and it is further ordered that the respondents recover of the appellant Fifty three & 00/100 dollars Costs to be taxed by the Clerk - May 20 1884

By the Court

A J Edgerton
Chief Justice

U. S. Supreme Court, May Term A. D. 1884. 8th Day of Term.
Wednesday May 21st 1884

Court met at the Court Room in the City of Jamestown. Dakota Territory pursuant to adjournment

Present: Hon A J Edgerton Chief Justice
J A Hudson Associate
Wm E. Church "
C. S. Palmer "
H J Campbell U. S. Attorney
Harrison Allen U. S Marshall by C. S Gray Deputy
L H. Lobdell Bailiff Grant Harp Crier
B. S. Williams Clerk

Court being duly opened the following proceedings were had, to wit:

Duane Mowry Assignee Appellant
vs
D S. Glidden Respondent } And now this 21st day of May the above cause being called and no one appearing with oral argument, it is submitted to the Court on the printed Briefs of the Respective Parties

Northern Pacific Railroad Company Plff, Appellant
vs
Iver L Boe Kney County Treasurer of Trail County, Deft, Respondent } No 129 Appeal from the District Court of Trail County

And now this 21st day of May A D 1884 the above entitled action coming on for argument on a rehearing of said cause, W. F Vough Esq appearing for said Appellants, and Messrs Miller & Green for said Respondents and thereupon cause submitted to the Court

And now Court is adjourned til Thursday May 22nd A.D 1884 at 9 o clock in the forenoon of said day
B S Williams
Clerk

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U. S. Supreme Court, May Term A.D. 1884. 9th Day of Term.
Thursday, May 22nd 1884

Court met at the Court Room in the City of Jamestown Dakota Territory pursuant to adjournment

Present: Hon A J Edgerton Chief Justice
" S. A Hudson Associate
" Wm E Church "
" C. S. Palmer "
H. J Campbell U. S. Attorney
Harrison Allen U. S. Marshal by C. A Pray Deputy
L H Pelding Bailiff Grant Sharp Crier
B. S. Williams Clerk

Court being duly opened the following proceedings were had to wit:

Richard Moores
Respondent
vs
Northern Pacific Rail Road Company
Appellant

No 174
Appeal from the District Court
Cass County

And now this 22d day of May AD 1884 the above entitled action coming on for argument and hearing by consent of Counsel and the permission of the Court Col W. P Clough for the Appellant, and Col Thomas Wilson for the Respondents, and thereupon said Counsels submitted to the Court

And now Court is adjourned to Friday May 23d 1884 at 9 o'clock in the forenoon of said day.

Attest
B. S. Williams
Clerk

U. S. Supreme Court, May Term A. D. 1884. 11th Day of Term.
Friday May 23rd 1884

Court met at the Court Room in the City of Yankton Dakota Territory pursuant to adjournment

Present Hon A J Edgerton Chief Justice
" S. A Hudson Associate
" W. E Church "
" C S. Palmer "
H. J Campbell U. S. Atty
Harrison Allen U. S Marshal by C. A Gray Deputy
L H. Libbey Bailiff Grant Sharp Crier
B. S. Wellcome Clerk

Court being duly opened the following proceedings were had to wit.

No 129

The United States of America
Territory of Dakota } ss. In the Supreme Court

Appeal from the District Court of Trail County

Northern Pacific Rail
Road Company
Plaintiff & Appellant
vs
Ivor L. Boutrey County
Treasurer of Trail County
Defendant, Respondent } May Term 1884

This action coming on to be heard at the May A. D. 1884 Term of said Supreme Court, at the Supreme Court Room, in the City of Yankton, D. T. Present: A. J Edgerton Chief Justice, and S. A. Hudson, Wm E Church and C S. Palmer Associate Justices; and the appeal herein having been argued by W. T Clough Esq for the Appellant and by Messrs Miller, Green for the Respondent, and the Court having advised thereon, it now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Trail County appealed from herein be and the same is hereby affirmed

And it further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court. And it is further considered and adjudged that Respondent have and recover of the Appellant his costs and disbursement on this

U. S. Supreme Court. May Term A.D. 1884. 10th Day of Term.
Friday May 23d 1884 continued

Appeal expended; taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D. T

Edgerton C. J. and Hudson J.
for affirmation
Church and Palmer J. J.
for reverse

No. 149

The United States of America
Territory of Dakota } ss:

In the Supreme Court

Appeal from the District Court of Minnehaha County

William H Hickey
Plaintiff. Respondent
vs
B. B. Richards
Defendant. Appellant

May Term 1884

This Action coming on to be heard at the May A. D. 1884 term of said Supreme Court at the Supreme Court Room in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice, and S. A Hudson, Wm L Church and C. J. Palmer Associate Justices; and the appeal herein having been argued by C H Wynn, Wm Wilks Esq for the Appellant, and by Messrs Winsor, Lovejoy for the Respondent, and the Court having advised thereon it is now here considered, ordered and adjudged, that the judgement of the said District Court within and for said Minnehaha County, appealed from herein be and the same is hereby affirmed

And it further Ordered, That this Cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged that Respondent have and recover of the Appellant his costs and disbursements on this appeal expended taxed and allowed at

By The Court
A J Edgerton
Chief Justice Supreme Court D. T

All the Justices concurring

U. S. Supreme Court, May Term A. D. 1884. 10th Day of Term.
Friday May 23d 1884 Convened

United States of America } ss: No 161
Territory of Dakota } In the Supreme Court

Writ of Error to the Third Judicial District Court

The United States

Plaintiff in Error

vs May Term 1884

Little Fisher alias Welfare, alias Peter Farewell

Defendant in Error

The writ of Error herein coming on to be heard at the May A D 1884 term of this Court—

Present: A J Edgerton, Chief Justice, and S. A Hudson Wm E Church and C. S. Palmer Associate Justices, and the same having been argued by H. J Campbell Esq. U. S Attorney for the plaintiff in Error and by for the Defendant in Error and the Court having fully advised thereof and being of the opinion that Error exists in the record herein from said Third Judicial District in this cause. It is therefore this 23d day of May One Thousand Eight Hundred and Eighty four all the said premises and the record herein being by the Court fully known, now here considered and adjudged that the judgment of the said District Court within and for the said Third Judicial District of Dakota Territory in said cause of the United States against Little Fisher alias Welfare alias Peter Farewell be and the same is hereby in all respects reversed

And it is further ordered that the cause with the record herein be remanded to the said Third Judicial District Court with direction to cause said defendant Little Fisher to come before said Court, and further to overrule said motion in of Judgment, and to take further proceedings as is by law provided

By The Court
A J Edgerton
Chief Justice of Supreme Court D.T.

all the Justices Concurring

154

U. S. Supreme Court. May Term A.D. 1884. 16th Day of Term.
Bradley May 23d 1884 continued

№ 153

The United States of America } ss. In the Supreme Court
Territory of Dakota
Appeal from the District Court of Minnehaha County

Isaac Mowry, Assignee for the
benefit of the Creditors of the
Wonewoc Manufacturing Company
Plaintiff : Appellant

vs

Daniel S Hidden
Defendant, Respondent

May Term, 1884

This action coming on to be heard at the May A D 1884 term of said Supreme Court at the Supreme Court Room, in the City of Yankton D. T. Present: A J Edgerton Chief Justice and S A Hudson, Wm E Church and C S. Palmer Associate Justices; and the appeal herein having been argued by Messrs Bippes and Boyer for the Appellant, and by Wilkes and Wells for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, That the judgment of the said District Court within and for said Minnehaha County, appealed from herein be and the same is hereby reversed and new trial ordered

And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged that Appellant have and recover of the Respondent his costs and disbursements on this appeal expended, taxed and allowed at

all the Justices Concurring

By the Court
A J Edgerton
Chief Justice Supreme Court D T.

U. S. Supreme Court, May Term A. D. 1884. 16th Day of Term.
Friday May 23rd 1884 Continued

No 165

The United States of America }
Territory of Dakota } ss.

In the Supreme Court

Appeal from the District Court of Cass County

Archibald Temple and
Parlan Temple
Plaintiffs & Respondents
vs
J H. Barnes and
S. P Lambert
Defendants & Appellants

} May Term 1884

This action coming on to be heard at the May A D 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Jamestown, D. T.

Present: A J Edgerton, Chief Justice, and S. A Hudson, Wm E Church and C. J. Palmer Associate Justices; and the appeal herein having been argued by W E Lodge Esq for the Appellants, and by Messrs Watson & Ball for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged that appeal from the judgment of the said District Court within and for said Cass County, appealed from herein be and the same is hereby dismissed without prejudice

And it is further ordered, that this Cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court.

And it is further considered and adjudged that Respondents have and recover of the Appellants his costs and disbursements on this appeal expended, taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D. T

all the Justices concurring

No 166.

The United States of America
Territory of Dakota } ss.

In the Supreme Court

Appeal from the District Court of Cass County

Parker Semple
Plaintiff Respondent
vs
A Blews and D
Curtiss
Defendants, Appellants } May Term, 1884

This Action coming on to be heard at the May A D 1884 term of said Supreme Court at the Supreme Court Room in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice, and I. A Hudson, Wm L. Church and C D. Palmer Associate Justices; and the appeal herein having been argued by W. E Dodge Esq for the Appellant, and by Mess Wilson and Ball for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the appeal from the said District Court within and for said Cass County be and the same is hereby dismissed

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that Respondent have and recover of the Appellant his costs and disbursements on this appeal expended; taxed and allowed at

all the Justices Concurring

By the Court
A J Edgerton
Chief Justice Supreme Court D. T

S. Supreme Court, May Term A.D. 1884. 10th Day of Term.
Friday May 23rd 1884 Continued

No 148

The United States of America }
Territory of Dakota } ss:

In the Supreme Court

Appeal from the District Court of Stutsman County

William M Lloyd
Plaintiff & Respondent
vs
John Powers H. T Beath
Mary Beath and S. A
Corwin
Defendants Appellants } May Term 1884.

This action coming on to be heard at the May A.D. 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice, and A. A Hudson, Wm E Church and C. S. Palmer Associate Justices; and the Appeal herein having been argued by Johnson Nickerson Esq. for the Appellants and by Wm E Dodge Esq for the respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged that the judgment of the said District Court within and for said Stutsmans County, appealed from herein be and the same is hereby reversed and new trial ordered

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to Law and the judgment of this Court

And it is further considered and adjudged that Appellants have and recover of the Respondent his costs and disbursements on this Appeal expended; taxed and allowed at One Hundred Eleven & 95/100 dollars

By the Court
A J Edgerton
Chief Justice Supreme Court D.T.

Hudson J.
dissenting

U. S. Supreme Court, May Term A. D. 1884. 12th Day of Term.
Friday May 23rd 1884 Continued

No 172

The United States of America
Territory of Dakota } vs.

In the Supreme Court

Appeal from the District Court
of Beadle County

C. H. Fargo John Benham Chas E Fargo
& Samuel M. Fargo Partners under firm
name of C. H. Fargo & Co
Plaintiffs & Appellants

vs

Wm E Steibler & Jos M Chappell Partners
under firm name of Steibler & Co
Defendants & Respondents

May Term 1884

This action coming on to be heard at the May A.D. 1884 term of said Supreme Court at the Supreme Court Room in the City of Yankton D.T. Present: A J Edgerton, Chief Justice, and J. A Hudson, Wm E Church and C. S. Palmer Associate Justices; and the appeal herein having been submitted on Briefs by Messrs Brown & Wheeler for the Appellants, and no one appearing for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged that the appeal from the order of the said District Court within and for said Beadle County, appealed from herein be and the same is hereby dismissed

And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged That Respondent have and recover of the Appellant his costs and disbursements on this appeal expended, taxed and allowed at Three hundred fifty dollars

By the Court
A J Edgerton
Chief Justice Supreme Court D T

Mr Justice Concurring

U. S. Supreme Court. May Term A.D. 1884. 12th Day of June.
Friday May 23rd 1884 (continued)

The United States of America } No 173
Territory of Dakota } ss:

In the Supreme Court

Appeal from the District Court of Cass County

Joseph L. Hosted et al
Plaintiffs, Appellants
vs
Joseph L Colton
Defendant, Respondent

May Term 1884

This action coming on to be heard at the May A.D. 1884 term of said Supreme Court at the Supreme Court Room, in the City of Jamestown, D. T.

Present: A. J. Edgerton Chief Justice, and T. A. Shannon, Wm. E. Church and C. J. Palmer Associate Justices; and the appeal herein having been argued by A. D. Thomas Esq for the Appellant, and by W. H. Jamison Esq for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Cass County, appealed from herein, be and the same is hereby affirmed

And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged That Respondent have and recover of the Appellant his costs and disbursements on this appeal expended, taxed and allowed at fifty-four & 65/100 dollars

By the Court
A. J. Edgerton
Chief Justice Supreme Court D. T.

Con. all the Justices concurring

62

U. S. Supreme Court. May Term A.D. 1884. 16th Day of Term.
Friday May 23rd 1884 continued

No. 175.

The United States of America } ss:
Territory of Dakota

In the Supreme Court

Appeal from the District Court of
Codington County

John Nicholson
Plaintiff, Appellant,
vs
L C Brandt
Defendant, Respondent

May Term 1884

This action coming on to be heard at the May A.D. 1884 term of said Supreme Court at the Supreme Court Room, in the City of Yankton D.T.

Present: A J Edgerton Chief Justice, and S. A Hudson, W. E Sherwood and C. S. Palmer Associate Justices; and the appeal herein having been submitted by Messrs D C, W S Thomas for the Appellant, and by Messrs Wilson & Lovejoy for the Respondent, and the Court having advised thereon; it is now here considered, ordered and adjudged that the appeal from the order of the said District Court within and for said Conington County, appealed from herein be and the same is hereby dismissed

And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged that said Respondent have and recover of the said Appellant his Costs and disbursements on this Appeal expended; taxed and allowed at Twenty Dollars
& Clerk

By the Court
A J Edgerton
Chief Justice Supreme Court D.T.

Att the Journal
Concurring

The United States of America }
Territory of Dakota } ss:

In the Supreme Court

Appeal from the District Court of
Burleigh County

Barbara C Mulcahey
Plaintiff & Appellant
vs
Ida Fisher and
C P Mulcahey
Defendants & Respondents

May Term 1884

This Action coming to be heard at the May A.D 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Jamestown, D. T.

Present. A J Edgerton, Chief Justice, and S. A. Hudson, W. E. Church, and C. J. Palmer Associate Justices, and the motion to dismiss the appeal herein having been argued by Lamb & Brothers for the Respondent, and by Alexander Hughes for the Appellants, and the Court having advised thereon, it is now here considered ordered and adjudged that the appeal from the judgment of the said District Court within and for said Burleigh County, appealed from herein be and the same is hereby dismissed

And it is further ordered That this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that said Respondent Ida Fisher have and recover of the Appellant his costs and disbursements on this appeal expended, Taxed and allowed at Thirty two + 60/100 Dollars

By the Court
A J Edgerton
Chief Justice Supreme Court D.T.

all the Justices
concurring

U. S. Supreme Court, May Term, A.D. 1884. 10th Day of Term.
Friday May 23rd 1884
continued

Supreme Court
Territory of Dakota

Richard Mares
vs
The Northern Pacific
Railroad Company

Whereas the above entitled action was tried in the District Court, and a verdict rendered therein on the 29th day of June AD, 1883, and whereas for the accomodation of the defendants Attorneys judgment was not entered thereon until the 10th day of April AD 1884; and whereas by the laws of Dakota Territory on the entry of judgment the plaintiff was authorized to incorporate therein & make a part of such judgment interest at the rate of seven per Cent on the Amount of the verdict from the date of the verdict till the date of the entry of judgment; and whereas by mistake the interest was not so computed and entered in & made a part of such judgment, & whereas the Amount of such interest in the verdict from the date of the rendition thereof till the date of the entry of judgment was & is the sum of One Thousand & Ninety two 70/100 dollars ($1092.70/100), and whereas it is the agreement and desire of the parties that such mistake may be corrected and that the said sum of $1092.70/100 may be added to the said judgment as of the date thereof

Now therefore it is stipulated & agreed that by an order of this Court the judgment herein may be Amended ~~as aforesaid~~ as aforesaid & that the judgment so amended & corrected shall hereafter stand as the judgment in the Case, shall not hereafter be questioned by either party for or on account of such amendment. And if any appeal is taken from the Judgment of this Court affirming or reversing such judgment that it shall be taken from the said amended judgment and that the said Amended judgment shall be sent to the Appellate Court & treated & considered as the judgment originally entered in the District Court

It is further stipulated that this Court shall order the Clerk to (and that the Clerk shall on such order) incorporate in the judgment roll in the Case the said amended judgment. Provided that the right to review the judgment shall remain the same as if the Amendment had not been made.

Thomas Wilson
W. S. Clough Plff's Atty
Defs Atty

U. S. Supreme Court. May Term. A.D. 1884. to 4th Day of Term.
Friday May 23d 1884
(Continued)

Supreme Court
Territory of Dakota

Richard Mares
vs
The North Pacific
Railroad Company

General Term May A.D. 1884

On the Stipulation of the Attorneys for the parties in the above entitled action filed in this Court this day. Ordered that the judgment on this action be amended by the Clerk of said Court by adding thereto the sum of $1092.70. as of the date of the rendition of the said judgment in the District Court viz. as of the 10th day of April A.D. 1884 and that the said judgment so amended stand as the judgment of the said District Court which rendered the same and that hereafter the said amended judgment in this & in all other Courts shall be held & taken as the judgment of the said District Court appealed from and that neither party shall hereafter question the right to make said Amendement or the validity thereof

And that the Clerk of this Court if an Appeal be taken from the judgment of the Court either affirming or reversing the said judgment shall return on such appeal as the judgment affirmed or reversed such amended judgment. Provided That the rights to review the judgment shall remain the same as if this amendment has not been made.

By the Court
A J Edgerton
Chief Justice

The United States of America }
Territory of Dakota } ss:

In the Supreme Court

Appeal from the District Court of said County

Richard Mares
Plaintiff, Respondent,
vs
Northern Pacific Railroad Co
Defendant, Appellant.

May Term 1884

This action coming on to be heard at the May A.D. 1884

764

U. S. Supreme Court. May Term
Friday May 23rd 1884 A.D. 1884. 10th Day of Term. continued

Term of said Supreme Court at the Supreme Court Room, in the City of Deadwood. D. T.

Present: A J Edgerton Chief Justice, and S. A Hudson, Wm E Church, and C. J. Palmer, Associate Justices; and the Appeal herein having been argued by Col W. J Gleason for the Appellant, and by Col Thomas Wilson for the Respondent, and the Court having advised thereon. It is now here considered ordered and adjudged, That the judgment of the said District Court and this case for said Lawrence County appealed from herein be and the same is hereby affirmed

And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged That Respondent have and recover of the Appellant his Costs and disbursements on this appeal expended taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D T.

all the Justices concurring

U. S. Supreme Court, May Term A. D. 1884. to "Day of Term.
Friday May 23rd 1884 (entered)

Robert Hawker
Respondent
vs
Edward Leffenbach
Appellant

No 156
Appeal from the District Court of Lawrence County

Robert Hawke
Respondent
vs
Adolph Edwards
Appellant

No 157
Appeal from the District Court of Lawrence County

Moses Pierce et al
Respondents
vs
Philander Sparks et al
Appellants

No 158
Appeal from the District Court of Lawrence County

The above entitled causes having been heretofore argued to wit: at the October A.D. 1883 Term and held under advisement and now this 23rd day of May 1884 the following Order and Judgment made and entered of Record

— No 156 —

The United States of America
Territory of Dakota } ss In the Supreme Court
Appeal from the District Court of Lawrence County
Robert Hawke
Plaintiff & Respondent
vs
Edward Leffenbach
Defendants & Appellants } May Term 1884

This action coming on to be heard at the May A.D. 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Deadwood, D. T.

Present: A. J. Edgerton Chief Justice, and A. A. Hudson, Wm. E. Church and E. S. Palmer Associate Justices; and the appeal herein having been argued by Albert Allen Esq. for the Appellants, and by A. J. Plowman Esq. for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, That the judgment of the said District Court within and for the said Lawrence County, appealed from herein be and the same is hereby affirmed

And it is further ordered That this cause be and it is hereby

→

remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged that Respondent have and recover of the Appellant his costs and disbursements on this appeal expended: taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D.T.

Church and Hudson JJ. for affirmation
Edgerton C. J dissenting
Judge Palmer not being present at the argument took no part in the decision

The United States of America } No. 157.
Territory of Dakota } In the Supreme Court
Appeal from the District Court of Lawrence County
Robert Hawke
Plaintiff, Respondent
vs.
Adolph Edwards
Defendant, Appellant
May Term 1884

This action coming on to be heard at the May AD 1884 term of said Supreme Court at the Supreme Court Room in the City of Yankton D.T.
Present: A J Edgerton Chief Justice, and J. B Hudson, Wm E Church and C. J Palmer, Associate Justices; and the appeal herein having been argued by Albert Allen Esq for the Appellant, and by A J Bowman for the Respondent, and the Court having advised thereon it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Lawrence County, appealed from herein be and the same is hereby Affirmed
And it is further ordered that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court
And it is further considered and adjudged that Respondent have and recover of the Appellant his costs and disbursements on this appeal expended: taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D.T.

Church and Hudson JJ for affirmation
Edgerton C. J dissenting
Judge Palmer not being present at the Argument took no part in the decision

The United States of America } No. 158.
Territory of Dakota } In the Supreme Court
Appeal from the District Court of Lawrence County
Miles Pierce, Jesse Berghoffer
James McAllen, Mary A Boyle
Plaintiffs, Respondents
vs.
Philander P Sparks, and Frank M Allen
Copartners as Sparks & Allen
Defendants, Appellants
May Term 1884

This action coming on to be heard at the May A D 1884 Term of

U. S. Supreme Court, May Term A. D. 1884. 10th Day of Term.
Friday May 23rd 1884 continued

said Supreme Court at the Supreme Court Room, in the City of Jamestown N. J.
Present: A. J Edgerton Chief Justice, and L. A. Hudson, Wm L Beasley and C S Palmer
Associate Justices; and the appeal herein having been argued by Albert Allen Esqr
for the Appellant, and by Mess Vredenburgh, Wilson for the Respondent, and the Court
having advised thereon, it is now here considered, ordered and adjudged that the
judgment of the said District Court within and for said Lawrence County, appe-
aled from herein be and the same is hereby affirmed

And it is further ordered, That this cause be and it is hereby remanded to
the District Court for further proceedings according to law, and the judgment
of this Court — And it is further considered and adjudged, That Res-
pondent have and recover of the Appellant his costs and disbursements
on this appeal expended; taxed and allowed at

Beasley J Hudson J. J for affirmation
Edgerton C. J Dissenting

By the Court
A J Edgerton
Chief Justice Supreme Court N. J.

Judge Palmer not being present at the argument took no part in the decision

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U. S. Supreme Court, May Term
Friday May 23rd 1884

A. D. 1884 ..16th Day of Term.
Continued

No 159

The United States of America
Territory of Dakota } ss. In the Supreme Court
Appeal from the District Court of Union County

The Territory of Dakota
Ex Rel John R Burbank
Plaintiff & Respondent
vs
Hebron Henderson, John M Peterson
Charles LaBarke as the Board of County
Commissioners of Union County Dakota Ter
Defendants & Appellants

May Term 1884

This action coming on to be heard at the May Term A D 1884 then of said Supreme Court at the Supreme Court Room, in the City of Yankton D T Present: A J Edgerton Chief Justice, and S. L. Hudson, W. C. Church and C. F. Palmer Associate Justices; and the appeal herein having been argued by B Tripp, A Hughes Esq for the Appellant, and by L. F. Lovejoy & J. R. Gamble Esqrs for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, That the judgment of the said District Court within and for said Union County, appealed from herein be and the same is hereby affirmed

And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that Respondents have and recover of the Appellants his Costs and disbursements on this appeal expended, taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D T

All Justices Concurring

U. S. Supreme Court. May Term A.D. 1884. 10th Day of Term.
Friday May 23rd 1884
Continued

No. 162.

The United States of America
Territory of Dakota } ss: In the Supreme Court

Appeal from the District Court of Pembina County

The Territory of Dakota Ex Relatione
E J Smith District Atty for the Second
Judicial District of Dakota Territory
vs Plaintiff, Respondent

Milo W Scott Burbeck J Spaulding
Alexander McKenzie Thos Hilgers
Geo A Mathews, Alexander Hughes
Henry H. Belong, John S Belcher
& M D Thompson
Defendants, Appellants

May Term 1884

This action coming on to be heard at the May A.D. 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Jamestown, D.T. —— Present A. J. Edgerton Chief Justice and S. A. Hudson, Wm. L. Church and C. S. Palmer Associate Justices; and the appeal herein having been argued by Wm. J. Vilas and W. S. Clough Esqrs for the Appellant, and by F. C. Moody, B. Tripp and J. P. Semple Esqrs for the Respondents and the Court having advised thereon, it is now here considered, ordered and adjudged, That the judgment of the said District Court within and for the said Pembina County, appealed from herein be and the same is hereby reversed, with directions to the District Court to enter judgment for the defendants on the pleadings

And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that Appellants have and recover of the Respondents the costs and disbursements on this appeal expended; taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D.T.

Edgerton C. J
Dissenting

No. 167.

The United States of America
Territory of Dakota } ss: In the Supreme Court

Appeal from the District Court of Stutsman County

The Territory of Dakota
Plaintiff, Respondent
vs
W. F. Steele, Wm M. Price, and John VanDenSen
as Commissioners of the County of Redding
& J. Pillsbury as County Clerk of the County
of Redder Territory of Dakota
Defendants, Appellants } May Term 1884

This Action coming on to be heard at the May AD 1884 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D T.

Present: A J Edgerton Chief Justice, and I. S Hudson, Wm L Church and C I Palmer Associate Justices; and the appeal herein having been argued by W L Lodge and Bartlett Tripp Esqrs for the Appellants and by Alfred Wallin Esq for the Respondent, and the Court having advised thereon, it is now here Considered, ordered and adjudged that the judgment of the said District Court within and for said Stutsman County, appealed from herein be and the same is hereby affirmed — And it is further Ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged that Respondent have and recover of the Appellant his Costs and disbursements on this appeal expended: taxed and allowed at

All the Justices Concurring

By the Court
A J Edgerton
Chief Justice Supreme Court D T.

U. S. Supreme Court, May Term A. D. 1884. 10th Day of Term.

Friday May 23d 1884 (continued)

No. 170.

The United States of America
Territory of Dakota } ss: In the Supreme Court

Appeal from the District Court of Lawrence County

Ambrose J Beere
Plaintiff, Respondent
vs
First National Bank of Deadwood
Defendant, Appellant } May Term 1884

This action coming on to be heard at the May A D 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Deadwood. Present: A J Edgerton Chief Justice, and J. A Hudson, Wm L Church and C. Palmer Associate Justices; and the appeal herein having been argued by Edward Venable Esq for the Appellant, and by Neff McLaughlin & Hicks for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgement of the said District Court within and for said Lawrence County, appealed from herein, be and the same is hereby reversed and new trial ordered

And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged That Appellant have and recover of the Respondent his costs and disbursements on this appeal expended; taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D T

Church J
Dissenting

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U. S. Supreme Court, May Term. Friday May 23rd 1884 A.D. 1884. 14th Day of Term. (sixteen)

No 171

The United States of America }
Territory of Dakota } ss. In the Supreme Court
Appeal from the District Court of Custer County

S Hubbard Johnson
Plaintiff & Appellant
vs
The New Mexico and Dakota Mine Company
Defendant, Respondent

May Term 1884

This action coming on to be heard at the May AD 1884 term of said Supreme Court at the Supreme Court Room, in the City of Yankton D.T. Present: A J Edgerton Chief Justice, and I A Hudson, Wm L Church and C.S. Palmer Associate Justices; and the Appeal herein having been argued by Bartlett Tripp Esq for the Appellant, and by Edward Van Cise Esq for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for the said Custer County, appealed from herein be and the same is hereby Affirmed

And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further considered and adjudged That Respondent have and recover of the Appellant his costs and disbursements on this appeal expended: taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D.T.

~~and the Justices concurring~~

The Territory of Dakota
On the information of
L. L. Smith District
Attorney for the Second
Judicial District of
Dakota Territory

versus

Nils W. Scott
Burleigh F. Spaulding
Alexander McKenzie
Charles L. Magyers
George A. Matthews
Alexander Hughes
Henry H. Belong
John P. Belding
and
M. D. Thompson

To the Honorable, the Supreme Court of the United States

The appeal of the Territory of Dakota on the information of L. L. Smith District Attorney for the Second Judicial District of Dakota Territory, the above named plaintiff and appellant respectfully shows;

That upon the 3d day of April A.D. 1883, the above named plaintiff brought this action in the District Court for Pembina County, Dakota Territory, against the above named defendants, wherein the plaintiff in its complaint alleged that on the eleventh day of February 1862 the Governor of Dakota Territory duly appointed the City of Yankton as the place for the first meeting of the Legislative Assembly of said Territory and the time for such meeting, that thereafter and on the eighth of April 1862 the Governor and Legislative Assembly selected the City of Yankton as the seat of Government for said Territory and located and established the same thereat and that said place has ever since remained the lawful seat of Government for said Territory; That thereafter and by the eighth of March 1883 the said defendants were appointed Commissioners for the purpose by an act of the Legislative Assembly and were attempted to be clothed with the power and authority to change

the seat of Government of said Territory, a power which had been expressly conferred upon the Governor and Legislative Assembly alone by Act of Congress, and that under said pretended authority of the Legislative Assembly the defendants had without legal warrant usurped said Office of Commissioners and were unlawfully proceeding to change the seat of Government for said Territory from said City of Deadwood to some other place, and that in thus doing and under said pretended act of the Legislative Assembly which is invalid and void they were drawing and about to draw and collect large sums of Money from the Territory for per diem and expenses for various purposes, and a judgment of Ouster from said office was demanded against each of said defendants; thereafter the said defendants answered admitting that they were holding and exercising the said Office as alleged in plaintiffs complaint and under the pretended Act of the Legislative Assembly as set out in said Complaint and were doing and performing the acts and things in accordance with the said act by which they were thus appointed;

Afterwards in said District Court such proceedings were had that on the Twenty seventh day of August 1883 a final judgment was rendered and pronounced in the Cause in said District Court, wherein it was in substance adjudged, that the said defendants were unlawfully holding and exercising said Office of Commissioners and that they and each of them be forever ousted and excluded from the said Office of Commissioners mentioned in said Act, and from all the franchises and privileges enumerated or included therein;

That afterwards an appeal was taken and perfected in said Cause from the said judgment of the District Court to the Supreme Court of Dakota Territory; That on the 23rd day of May 1884 a final decision and judgment was pronounced and rendered in said action by the said Supreme Court, wherein the said judgment of the said District Court of Deadwood County was in all things reversed and said action was dismissed, That said action was heard and determined in said District Court without a Jury.

Wherefore, this Appellant appeals from the whole of said judgments of the said Supreme Court of Dakota Territory and respectfully prays that the judgment of the said Supreme Court of and all the proceedings, and record and proceedings in the said action may be sent to the Supreme Court of the United States without delay and that said Supreme Court will proceed to hear and determine this Cause and that said judgment of the Supreme Court of the Territory, and every part thereof may be reversed with costs

and that the judgment of said District Court in and for Yankton County be reversed and be given full force and effect and that said Appellant have such other Judgment and Decree as to the said Supreme Court of the United States shall seem just

Dated. Yankton Dakota Territory
May 23rd 1884

E. G. Smith
District Atty for 2nd
Judicial Dist D. T.

E. C. Moody
Bartlett Tripp
John R Landis
Attorneys and Counsel
for said Plaintiff and Appellants

The foregoing appeal allowed this 23rd day of May 1884 in Open Court

By the Court
A J Edgerton
Chief Justice

Territory of Dakota
County of Yankton } ss.

E. G. Smith being first duly sworn says, that he is a resident of Yankton County in said Territory, is District Attorney for the Second Judicial District of Dakota Territory and is the person and officer upon whose information a certain Action was brought which was lately pending in the Supreme Court of the Territory of Dakota in which the Territory of Dakota on the information of E. G. Smith District Attorney for the Second Judicial District of Dakota Territory was plaintiff and respondent and Milo W. Scott and others were defendants and appellants wherein, at the May term A. D. 1884 of said Court the judgment of the said District Court was reversed; That said judgment so reversed was recovered by the said Territory of Dakota on the information aforesaid against said Milo W. Scott and others in the District Court of Yankton County in said Territory on the twenty-seventh day of August A. D. 1883 and was a judgment vesting the said Milo W. Scott and others from the Office of Commissioner appointed under an act of the Territorial Legislative Assembly and except for said reversal is in full force; That the value and amount of the matter in dispute in said Action, exclusive of Costs, at the time of the rendition of the said Judgment in said District Court and at the time of the reversal thereof in said Supreme Court and at the present time

Bailey One Thousand Dollars, and costs of the fees and emoluments of said office, and of the expenses provided by the act attending upon the execution of the duties thereof, beside, the amount involved in the erection of the buildings contemplated by the said act, all of which will more fully appear by an inspection of the bet under which the said defendants claim their office

E. J. Smith

Subscribed and sworn to
before me this 23d day of
May A.D. 1884

B. L. Williams
Clerk

Territory of Dakota ss.

In Supreme Court of said Territory

The Territory of Dakota
on the information of
E. J. Smith District Attorney
for the Second Judicial District
of Dakota Territory

vs.

Wm W. Scott, Burleigh
F. Spaulding, Alexander
McKenzie, Charles H.
Myers, George A Matthews
Alexander Hughes, Henry H.
Sibley, John P Bolding and
M. D Thompson

Now come F. C. Moody, John R Gamble and Bartlett Tripp counsel for the above named plaintiff, and pray this Honorable Court that an appeal to the Supreme Court of the United States from the decision and judgment of the Supreme Court, now lately rendered in the above entitled cause, on the 23rd day of May A.D. 1884 be allowed said plaintiff, and that the security provided by law be fixed, and the bond and undertaking therefor together with the sureties be authorized to be approved by the Chief Justice of the Supreme Court of said Territory

F. C. Moody
Bartlett Tripp
John R. Gamble
Counsel for the above named Plaintiff

U. S. Supreme Court, May Term A.D. 1884. In the [illegible] Day of Term.
Friday May 23rd 1884 (continued)

And now May 23rd 1884, the above petition being presented in open Court and considered, it is by the Court Ordered, That the said appeal be and the same is hereby allowed; and the bond to operate as a supersedeas and for costs, be fixed at One Thousand dollars, with surety to be approved by the Chief Justice of this Court

By the Court
A J Edgerton
Chief Justice

Territory of Dakota
In Supreme Court of said Territory

The Territory of Dakota
on the information of
C L Smith District Attorney
for the Second Judicial District
of Dakota Territory

vs

Niels W. Scott, Burleigh F. Spaulding, Alexander McKenzie, Charles H. Myers, George S. Matthews, Alexander Hughes, Henry H. Delany, John S Belding and M. D Thompson

And now on this 23rd day of May 1884. come C. C. Moody John. A Gamble and Bartlett Tripp Attorneys for the above named plaintiff, and it appearing that the said plaintiff has prayed an appeal to the Supreme Court of the United States from the judgment of this Court herein, which appeal has been allowed, it is by the Court Ordered That the proceedings in this action be stayed for the period of sixty days from this date, to enable said plaintiff to perfect its said appeal:— except the Clerk is authorized to tax and collect in the judgment of reversal the costs of the appeal to this Court

By the Court
A J Edgerton
Chief Justice

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U. S. Supreme Court. May Term
Friday May 23rd. 1884 A.D. 1884. to Day of Term
continue

In the Supreme Court of the United States

The Territory of Dakota
on the information of E. G.
Smith District Attorney
for the Second Judicial District
of Dakota Territory, Respondent

-vs-

Milo W. Scott, Burleigh F.
Spaulding, Alexander McKenzie, Charley H. Meyers
George A Matthews, Alexander
Hughes, Henry K. Delong
John S Belding and
M D Thompson - Appellees

And the Appellant herein says, there is manifest error on the face of the record in this.

The Supreme Court of the Territory erred in reversing the judgment of the District Court

First. Because the District Court had rightfully held that the law under which the defendants were appointed Commissioners to change the seat of Government of Dakota Territory was invalid and void

Second. Because said defendants and Appellees were unlawfully exercising a trust and duty which had been expressly enjoined upon the Governor and the Legislative Assembly by the twelfth section of the Act of Congress approved March 2nd 1861 and embodied in Section 1844 of the U. S. Revised Statutes.

Third. Because said Defendants were appointed Commissioners and Officers contrary to the Act of Congress providing for the appointment of Territorial Officers

Wherefor Appellant prays that the said judgment of re-versal rendered by the said Supreme Court may be reversed, annulled and altogether held for naught by this Supreme Court, and that the Appellant may be restored to all things which it hath lost by occasion of the said judgment of the Supreme Court of Dakota Territory

E. G. Smith
District Attorney for
Second Judicial District Dakota

J. E. Hanley
Counsel for Appellant

Supreme Court of the United States

The Territory of Dakota on
the information of E. G. Smith
District Attorney for the Second
Judicial District of Dakota
Territory

vs

Miles W. Scott
Burleigh F Spaulding
Alexander McKenzie
Charles H. Meyers
George H. Matthews
Alexander Hughes
Henry H Delong
John P. Belding

and

M. D. Thompson

Know all Men by These Presents, That we, E. G. Smith, Robert Cox, Leonidas M. Purdy, William H. Lounsberry Marten P Atkinson, John M. Fogerty, Josiah C. Tarbox. and George B Sargent are held and firmly bound unto Miles W. Scott, Burleigh F Spaulding, Alexander McKenzie Charles H Meyers, George H. Matthews, Alexander Hughes Henry H. Delong, John P. Belding, and M. D Thompson of Dakota Territory in the sum of One Thousand Dollars to be paid to the said Miles W. Scott, Burleigh F Spaulding Alexander McKenzie, Charles H Meyers, George H. Matthews Alexander Hughes, Henry H Delong, John P Belding and M D Thompson, their and each of their executors and administratory; To which payment well and truly to be made We bind ourselves and each of us jointly and severally, and our and each of our heirs, executors and administrators firmly by These presents.

Sealed with our seals dated this 23rd day of May 1884

Whereas, The above named, the Territory of Dakota on the information of the said E. G. Smith, District

U. S. Supreme Court. May Term A.D. 1884. to 4th Day of Term.
Friday May 23d. 1884 continued

Attorney for the Second Judicial District of Dakota Territory hath taken an appeal to the Supreme Court of the United States to reverse the judgment of Reversal rendered in the above entitled action by the Supreme Court of the Territory of Dakota:

Now Therefore, the condition of this obligation is such that if the above named The Territory of Dakota on the information of L. F. Smith District Attorney &c. shall prosecute its appeal to effect and answer all costs and damages if it shall fail to make good its plea, then this obligation shall be void, otherwise to remain in full force and virtue

Robert Cox (Seal)
Leonidas M Peery (Seal)
William H. Edmunds (Seal)
Martin S Wilman (Seal)
John M. Fogerty (Seal)
Josiah H Jackson (Seal)
Geo. A. Seigel (Seal)

Sealed and delivered
in presence of

L. F. Smith
John E. Lamble

I hereby approve the within bond and the sureties therein named and the sufficiency thereof This 23d day of May A.D. 1884

L. J Edgerton
Chief Justice

By The Honorable Alonzo J Edgerton Chief Justice of the Supreme Court of Dakota Territory

To Mich W. Scott, Burleigh L. Spalding, Alexander McKenzie, Charles H. Myers, Geo A Matthews, Alexander Sheppard, Henry H. Selong, John S. Belding and M D Thompson, Defendants

Whereas the Territory of Dakota upon the information of L. F. Smith District Attorney for the Second Judicial District of Dakota Territory has lately appealed to the Supreme Court of the United States from a judgment of reversal of a judgment lately rendered

in the District Court of Jamestown County in said Territory, in favor of the Territory of Dakota on the information of E. G. Smith District Attorney &c against you, in an action tried and determined without a jury, and has filed the security required by law;-

You are therefore hereby cited to appear before the said Supreme Court of the United States, at the City of Washington, on the first day of the next succeeding term of said Court, to wit on the 13th day of October next to do and receive what may appertain to justice to be done in the premises

Given under my hand at the City of Jamestown in the Territory of Dakota on the 23rd day of May in the year of our Lord One thousand eighthundred and eighty four

A J Edgerton
Chief Justice of Supreme Court
Dakota Territory

Robert Hawke
Plaintiff and Respondent
vs
Edward Seffebark
Defendant and Appellant

To the Honorable the Supreme Court of the United States.

The appeal of Edward Seffebark, the above named defendant and appellant, respectfully showeth, that upon the 20th day of June 1882 the above named plaintiff brought his action in the District Court for Laurence County Dakota Territory, against the above named defendant and appellant, wherein he sought to recover the possession of certain real property in his complaint described, together with damages for the withholding thereof. The said defendant therein answered, as by Procedure of said Territory he might, alleging that he was the equitable owner of said property, that the plaintiff was the holder of the legal title, which was held by him contrary to equity, and good conscience, and charged him, said plaintiff, as Trustee, and praying that he be decreed to convey such legal title to said defendant. Afterwards in said Court the plaintiff demurred to said defendants answer, and the proceedings were had, that on the 25th day of September 1883

a final judgment was made and pronounced in the cause in said District Court, wherein it was in substance adjudged, that the plaintiff was the owner of, and entitled to the possession of the said premises, and that said plaintiff have and recover of said defendant the possession thereof with damages and Costs. That afterwards an appeal was taken and perfected in said cause, from the said judgment of the said District Court, (said cause having been tried and determined without a jury) to the Supreme Court of Dakota Territory, That on the 23rd day of May 1884, a final decision and judgment was pronounced and rendered in said action by the said Supreme Court, wherein the said judgment of the said District Court of Lawrence County, was in all things affirmed, with costs.

Wherefore this appellant appeals from the whole of said judgment of the said Supreme Court of Dakota Territory and respectfully prays that the judgment of the said Supreme Court and all the proceedings in the said action may be sent to the Supreme Court of the United States without delay, and that the said Supreme Court will proceed to hear and determine said cause, and that the said judgment of the Supreme Court of the Territory and of the said District Court and every part thereof, and of each thereof, may be reversed, and a trial and hearing be awarded said defendant in said District Court, and that he have costs, or such other judgment and decree as to the said Supreme Court of the United States shall seem just

Dated Jamestown, Dakota Territory
May 23rd 1884

F. C. Moody
Attorney and Counsellor for
Defendant and Appellant

The foregoing appeal allowed this 23rd day of May 1884 in open Court

By the Court
A. J. Edgerton
Chief Justice

U. S. Supreme Court, May Term. A. D. 1884. 22nd Day of Term.
Friday May 23rd 1884
continued

Territory of Dakota } ss.
In Supreme Court of said Territory

Robert Hawke
Plaintiff and Respondent
vs.
Edward Deffebach
Defendant and Appellant

Now comes F. C. Moody, Counsel for the above named defendant Edward Deffebach, and prays this Honorable Court that an Appeal to the Supreme Court of the United States from the decision and judgment of the Supreme Court now sitting, rendered in the above entitled cause on the 23rd day of May A.D. 1884, be allowed said Edward Deffebach, defendant, and that the security provided by Law, be fixed and the bond and undertaking therefor, together with the sureties, be authorized to be approved by the Chief Justice of the Supreme Court of said Territory

Dated May 23rd 1884

F. C. Moody
Counsel for defendant Edward Deffebach

And now May 23rd 1884 the above petition being presented in open Court and considered, it is, by the Court ordered that the said appeal be and the same is hereby allowed. And the bond, to operate as a supersedeas and for costs, be fixed at One thousand dollars, with sureties to be approved by the Chief Justice of this Court

By the Court
A. J. Edgerton
Chief Justice

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Terr. St. Supreme Court, May Term
Friday May 23rd 1884 A.D. 1884. 10th Day of Term.
continued

Assignment of Error

Robert Hawke
Plaintiff and Appellee
vs
Edward Seffebach.
Defendant and Appellant

And the Appellant herein says. There is manifest error on the face of the record, in this:

The Supreme Court of the Territory erred in affirming the judgment of the District Court, which District Court had sustained the demurrer of the plaintiff to the first defense and Counter claim set up in defendants answer and gave judgment thereon in favor of the said plaintiff and against said defendant;

Second: Because the said District Court has also sustained the demurrer of the plaintiff to the second defense and Counter claim in defendants answer and had given judgment thereon in favor of said plaintiff and against said defendant.

To each of said rulings and decisions the defendant had duly excepted.

Wherefore, Appellant prays that the said judgment herein rendered by the said Supreme Court of the Territory of Dakota and by said District Court may by this Supreme Court be reversed and this appellant restored to all things which he has lost by reason of such error and said judgment.

E. C. Moody
Counsel for Defendant
and Appellant

Territory of Dakota } ss
In Supreme Court of said Territory

Robert Hawke
Plaintiff and Respondent
versus
Edward Seffebach
Defendant and Appellant

And now on this 23rd day of May 1884 came E. C. Moody one of the Attorneys for the above named ~~Plaintiff~~ Defendant Edward Seffebach

And it appearing that the said defendant has prayed for an appeal to the Supreme Court of the United States from the judgment of this Court herein, which appeal has been allowed. It is by the Court Ordered, That the proceedings in this action be stayed for the period of Thirty Days from this Date; to enable said defendant to perfect his said appeal, except the Clerk is authorized to tax, and enter in the judgment of affirmance, the costs of the appeal to this Court

By the Court
A J Edgerton
Chief Justice

By the Honorable Alonzo J. Edgerton, Chief Justice
of the Supreme Court of Dakota Territory

To Robert Hawke. Plaintiff

Whereas Edward Deffebach has lately appealed to the Supreme Court of the United States from a judgment ~~of affirmance~~ of a judgment lately rendered in the District Court of Lawrence County in said Territory in favor of you, the said Robert Hawke, against him the said Edward Deffebach, in an action tried and determined without a jury, and has filed the security required by Law. You are therefore hereby cited to appear before the said Supreme Court of the United States, at the City of Washington, on the first day of the next succeeding term of said Court to wit: on the 13th day of October next, to do and receive what may appertain to justice to be done in the premises

Given under my hand at the City of Yankton in the Territory of Dakota on the 10th day of July in the year of our Lord One Thousand eight hundred and eighty four
A J Edgerton
Chief Justice of Supreme Court
of Dakota Territory

U. S. Supreme Court. May Term. A. D. 1884. 10th Day of Term.
Friday May 23rd 1884
continued

Moses Peirce
George Bergheffer
James McAleer
and
Mary A. Boyle
Plaintiffs and Respondents

vs

Philander L. Sparks
and
Frank M. Allen
Defendants and Appellants

To the Honorable, the Supreme Court of the United States.

The appeal of Philander L. Sparks and Frank M. Allen, the above named defendants and Appellants, respectfully showeth, that upon the 15th day of April 1882 the above named plaintiffs brought their action in the District Court for Lawrence County, Dakota Territory, against the above named defendants and appellants, wherein they sought to recover the possession of certain real property, in their complaint described, together with damages for the with-holding thereof. The said defendants therein answered as by the Procedure of said Territory they might, alleging that they were the equitable owners of said property; that the plaintiffs were the holders of the legal title, which was held by them contrary to equity and good conscience, and charging them, said plaintiffs as trustees, and praying that they be decreed to convey such legal title to said defendants. Afterwards in said Court the plaintiffs demurred to said defendants answer, and such proceedings were had, that on the 2nd day of September 1883 final judgment was made and pronounced in the Cause in said District Court, wherein it was in substance adjudged, that the plaintiffs were the owners of, and entitled to the possession of the said premises, and that said plaintiffs have and recover of said defendants the possession thereof with damages and Costs. That afterwards an appeal was taken and perfected in said Cause, from the said judgment of the said District Court (said Cause having been tried and determined without a jury) to the Supreme Court of Dakota Territory.

That on the 23rd day of May 1884 a final decision and

judgment was pronounced and rendered in said action by the said Supreme Court, wherein the said judgment of the said District Court of Lawrence County, was in all things affirmed with costs

Wherefore these defendants appeal from the whole of said judgment of the said Supreme Court of Dakota Territory and respectfully pray that the judgment of the said Supreme Court and all the transcript and record and proceedings in the said action may be sent to the Supreme Court of the United States without delay, and that the said Supreme Court will proceed to hear and determine said cause, and that the said judgment of the Supreme Court of the Territory and of the said District Court, and every part thereof, and of each thereof, may be reversed, and a trial and hearing awarded said defendants in said District Court; and that they have such, & such other judgment and decree as to the said Supreme Court of the United States shall seem just

Dated Yankton, Dakota Territory
May 23rd 1884

F. C. Moody
Attorney and Counselor for
Defendants and Appellants

The foregoing appeal allowed this 23d day of May 1884, in open Court

By the Court
A. J. Edgerton
Chief Justice.

Territory of Dakota } ss
In Supreme Court of said Territory

Moses Pierre, Louis Berghoffer,
James McAleer and Mary Boyle
Plaintiffs and Respondents

vs

Philander E Sparks and Frank M. Allen
Defendants and Appellants

Now comes F. C. Moody, Counsel for the above named defendants Philander E Sparks and Frank M Allen, and prays this Honorable Court that an appeal to the Supreme Court of the United States from the decision and judgment of the Supreme Court herein stating

U. S. Supreme Court. May Term A.D. 1884. In Error to Supreme Court of Terr.
Friday May 23rd 1884 continued

rendered in the above entitled cause on the 23rd day of May A.D. 1884, be allowed said Philander L. Sparks and Frank M. Allen defendants, and that the security provided by law be fixed and the bond and undertaking therefor together with the sureties, be authorized to be approved by the Chief Justice of the Supreme Court of said Territory

Dated May 23rd 1884

F. C. Moody

Counsel for defendants Philander L. Sparks, Frank M. Allen

And now May 23rd 1884, the above petition being presented in open Court and Considered, it is, by the Court Ordered that the said appeal be and the same is hereby allowed; and the bond to operate as a supersedeas and for Costs, be fixed at Five Hundred dollars, with surety to be approved by the Chief Justice of this Court

By the Court

A. J. Edgerton

Chief Justice

Assignment of Errors

Moses Pierce et al

Plaintiffs and Appellees

vs

Philander L. Sparks et al

Defendants and Appellants

And the Appellants herein say, that there is manifest error in the face of the record in this.

The Supreme Court of the Territory erred in affirming the judgment of the District Court which District Court had erred in sustaining the demurrer of the plaintiffs to the first defense and Counterclaim set up in defendants answer, and in giving judgment therein in favor of the said plaintiffs and against said Defendants

Second. Because the said District Court had also erred in sustaining the demurrer of the plaintiffs to the second defense and the Counterclaim in Defendants answer and in giving judgment therein in favor of said plaintiffs and against said Defendants

To each of which said rulings and decisions defendants had duly excepted.

Wherefore, Appellants pray that the said judgment therein rendered by the said Supreme Court of the Territory of Dakota

and by said District Court, may by this Supreme Court be reversed and these appellants restored to all things which they have lost by reason of such error and said judgment

J. C. Moody
Counsel for Defendants and Appellants

Territory of Dakota ss
In Supreme Court of said Territory

Moses Pierce, George Berghoffer
James Miller, and Mary Boyle
Plaintiffs and Respondents
vs
Philander L. Spacks and Frank M Allen
Defendants and Appellants

And now on this 23rd day of May 1884. comes J. C. Moody one of the Attorneys for the above named defendants Philander L Spacks and Frank M. Allen, and it appearing that the said defendants have prayed an appeal to the Supreme Court of the United States from the judgment of this Court herein, which appeal has been allowed, it is by the Court Ordered that the proceedings in this action be stayed for the period of Ninety days from this date, to enable said defendants to perfect their said appeal: and that the Clerk is authorized to tax and insert in the judgment of affirmance the costs of the appeal to this Court.

By the Court
A. J. Edgerton
Chief Justice

Robert Hawke
Plaintiff and Respondent
vs
Joseph Schmeck
Defendant and Appellant

To the Honorable the Supreme Court of the United States

The appeal of Joseph Schmeck the above named defendant and appellant, respectfully showeth, that upon the 19th day

U. S. Supreme Court, May Term A.D. 1884. 10 Day of Term.
Friday May 23rd 1884 continues

of June 1882 the above named plaintiff brought his action in the District Court for Lawrence County Dakota Territory, against the above named defendant and appellant, wherein he sought to recover the possession of certain real property, in his complaint described, together with damages for the withholding thereof. The said defendant therein answered as by the proceedings of said Territory he might, alleging that he was the equitable owner of said property, that the plaintiff was the holder of the legal title, which was held by him contrary to equity and good conscience, and charging him, said plaintiff as trustee and praying that he be decreed to convey such legal title to said defendant. Afterwards in said Court the plaintiff demurred to said defendants answer and such proceedings were had, that on the 25th day of September 1883 a final judgment was made and pronounced in the cause in said District Court wherein it was in substance adjudged, that the plaintiff was the owner of, and entitled to the possession of the said premises, and that said plaintiff have and recover of said defendant the possession thereof, with damages and costs. That afterwards an appeal was taken and perfected in said cause, from the said judgment of the said District Court (said cause having been tried and determined without a jury) to the Supreme Court of Dakota Territory. That on the 23rd day of May 1884, a final decision and judgment was pronounced and rendered in said action by the said Supreme Court wherein the said judgment of the said District Court of Lawrence County was in all things affirmed, with costs.

Wherefore the Appellant appeals from the whole of said judgment of the said Supreme Court of Dakota Territory and respectfully prays that the judgment of the said Supreme Court, and all the transcripts and record and proceedings in the said action may be sent to the Supreme Court of the United States without delay, and that the said Supreme Court will proceed to hear and determine said cause, and that the said judgment of the Supreme Court of the Territory and of the said District Court, and every part thereof, and of each thereof may be reversed, and a trial and hearing be awarded said defendant in said District Court; and that he have costs or such other judgment and decree as to the said Supreme Court of the United States shall seem just.

Dated Yankton, Dakota Territory May 23rd 1884.

J. C. Moody
Attorney and Counsellor for Defendant Appellant

The foregoing appeal allowed this 23rd day of May 1884 in open Court
By the Court
A. J. Edgerton
Chief Justice

U. S. Supreme Court, May Term
Friday May 23rd 1884 A.D. 1884. 12th Day of Term.
continued

Territory of Dakota } ss.
In Supreme Court of said Territory
May Term 1884

Robert Hawke
Plaintiff and Respondent
against
Dolph Edwards
Defendant and Appellant

Now comes E. C. Moody, counsel for the above named defendant Dolph Edwards, and prays this Honorable Court that an appeal to the Supreme Court of the United States from the decision and judgment of the Supreme Court now sitting, rendered in the above entitled cause on the 23rd day of May A.D. 1884, be allowed said Dolph Edwards Defendant, and that the security provided by law be fixed and the bond and undertaking therefor, together with the sureties, be authorized to be approved by the Chief Justice of the Supreme Court of said Territory
Dated May 23rd 1884

E. C. Moody
Counsel for Defendant Dolph Edwards

And now May 23rd 1884, the above petition being presented in open Court and considered, it is by the Court Ordered, That the said Appeal be and the same is hereby allowed, and the bond, ~~to~~ to operate as a Supersedeas and for costs be fixed at five Hundred dollars with sureties to be approved by the Chief Justice of this Court

By the Court
A J Edgerton
Chief Justice

Assignments of Error

Robert Hawke
Plaintiff and Appellee,
vs
Dolph Edwards
Defendant and Appellant
And the Appellant herein says, there is an error in the record, in this,

U. S. Supreme Court, May Term A.D. 1884. 10th Day of Term. continued

May Term
Friday May 23rd 1884

The Supreme Court of the Territory erred in affirming the judgment of the District Court which District Court had erred in sustaining the demurrer of the plaintiff to the first defense and counter-claim set up in defendants answer and in giving judgment thereon in favor of the said plaintiff and against said defendants

Second. That the said District Court had also erred in sustaining the demurrer of the plaintiff to the second defense and counter-claim in defendants answer and in giving judgment thereon in favor of said plaintiff and against said defendants

To each of which said rulings and decisions the defendant had duly excepted

Wherefore appellant prays, that the said judgment herein rendered by the said Supreme Court of the Territory of Dakota and by said District Court may by this Supreme Court be reversed and the appellant restored to all things which he has lost by reason of said rulings and said judgment

E. C. Moody
Counsel for Defendants and Appellants

Territory of Dakota } ss.
In Supreme Court of said Territory
May Term 1884

Robert Hawke
Plaintiff and Respondent
against
Adolph Edwards
Defendant and Appellant

And now on this 23rd day of May A.D. 1884, comes E. C. Moody, one of the Attorneys for the above named defendant, Adolph Edwards and it appearing that the said defendant has prayed an appeal to the Supreme Court of the United States, from the judgment of this Court herein, which appeal has been allowed, it is by the Court Ordered that the proceedings in this action be stayed for the period of thirty days from this date to enable said defendant to perfect his said appeal, except the clerk is authorized to tax and insert in the judgment of affirmance the costs of the Appeal to this Court

By the Court
A. J. Edgerton
Chief Justice

By the Honorable Bloods J Edgerton, Chief Justice of the Supreme Court of Dakota Territory

To Robert Searle, Plaintiff

Whereas Dolph Edwards has lately appealed to the Supreme Court of the United States from a judgment of affirmance of a judgment lately rendered in the District Court of Lawrence County in said Territory, in favor of you the said Robert Searle, against him the said Dolph Edwards, in an action tried and determined without a jury, and has filed the security required by law, you are therefore hereby cited to appear before the said Supreme Court of the United States at the City of Washington on the first day of the next succeeding term of said Court, to wit: on the 13th day of October next to do and receive what may appertain to justice to be done in the premises.

Given under my hand at the City of Yankton in the Territory of Dakota, on the 10th day of July in the year of our Lord One thousand eight hundred and eighty four

A J Edgerton
Chief Justice of Supreme Court
of Dakota Territory

Filed year 1884

District of Dakota Territory } ss.
Justices District }

In the United States Sup. Ct for said District, at a term thereof begun and held at Yankton on the 13th day of May 1884. Present the Honorable A. J Edgerton Presiding Judge, the following order was made and entered of record, to wit:

Whereas Harriton Allen United States Marshal has rendered to this Court an Account of his disbursements for compensation to Marshal employed at and previous to the May Term 1884. of the United States Sup. Court at Yankton with the vouchers and items thereof, and in presence of Hon H. J Campbell United States Attorney, has proved, on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money; and entered said charges appears to be just and according to law:

U. S. Supreme Court. May Term
Friday May 23rd 1884

A.D. 1884. 16th Day of Term.
continues

It is hereby Ordered that the said account, amounting to Six Hundred & Sixty One dollars and — cents be and the same is hereby approved. I know nothing about the case and sign the same on the approval of District Atty and Judge Church

By the Court

A J Edgerton
Presiding Judge

Fiscal year 1884

District of Dakota Territory } ss
Sup Ct Judicial District

In the United States Supreme Court for said District at a term thereof begun and held at Jamestown on the 13th day of May 1884 - Present: The Honorable A J Edgerton Presiding Judge, the following order was made and entered of record, to wit:

Whereas Harrison Allen United States Marshal has rendered to this Court an account of his disbursements for fees of Witnesses incurred at and pursuing to Jany Term 1884, of the United States District Court of Deadwood with the vouchers and items thereof, and in presence of Hon Hugh J Campbell United States Attorney, has proved, on oath to the satisfaction of the Court, that the Services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money: and whereas said charges appear to be just and according to law:

It is hereby Ordered that the said account amounting to Six Hundred & Thirty three Dollars and Sixty Cents be and the same is hereby approved. I know nothing about this case and sign the same on the approval of Dist Atty and Judge Church

By the Court

A J Edgerton
Judge

Fiscal year 1884

District of Dakota } ss
Judicial District

In the United States Supreme Court for said District at a term thereof begun and held at Jamestown on the 13th day of May 1884 Present: The Honorable A J Edgerton Presiding Judge, the following order was made and entered of record, to wit.

Whereas Harrison Allen United States Marshal has rendered to the Court his account of disbursements for Compensation & Marshal

incurred at and previous to the May Term 1884, of the United States District Court of Deadwood with the vouchers and items thereof, and in presence of Hon Hugh J Campbell United States Attorney, has proved, on oath to the satisfaction of the Court: That the services therein charged have been actually and necessarily performed as therein stated, and that the disbursements charged have been fully paid in lawful money: and whereas said charges appear to be just and according to law:

It is hereby Ordered, That the said Account, amounting to Five Thousand two hundred & Ninety One dollars and Twenty two Cents, be and the same is hereby allowed. I know nothing about the account and sign the same on the approval of Dist Atty and Judge Church

By the Court
A J Edgerton
Judge

In the Supreme Court of Dakota Territory at a Term thereof begun and held at Yankton on the 13th day of May A.D. 1884
Present the Honorable A J Edgerton Chief Justice and J. A. Hudson, Wm C Church and C. S. Palmer Associate Justices thereof
the following order was made & entered of record; to wit:
Whereas B. S. Williams Clerk of this Court has rendered to this Court an account of his fees at the adjourned October A D 1883 term, and the regular May A.D. 1884 term with the items thereof, and in the presence of Hugh J Campbell U. S. Attorney has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated. And whereas said charges appear to be just and according to law. It is hereby Ordered that said account amounting to Sixty Six dollars and Ninety Cents is hereby allowed
By the Court
A J Edgerton
Chief Justice

And now this 23rd day of May A.D. 1884. Court is adjourned to the 1st day of July 1884. at 9 o'clock in the forenoon of that day.
B S Williams
Clerk

In the Supreme Court at Jamestown in said Territory on the 1st Day of January A.D. 1884. 1st Day of Term.

Wednesday January 1st 1884

Court met in the Court Room, in the City of Jamestown Dakota Territory pursuant to adjournment.

Present.

Hon A J Edgerton Chief Justice

B S Wilkinson

Clerk

Court being opened and no business being presented or Opinions to be filed Court is further adjourned to September 20. A.D. 1884. at 9 o clock A.M. to-morrow morning. —

Attest B S Wilkinson

Clerk.

11. S. Supreme Court, Agenda May Term A.D. 1884. 12: Day of Term.

Saturday Sept 20" Continued

Territory Ex Rel.
William Greenberg.
Respondents
vs
John W Noonan Probate
Judge of Pennington Co
Appellants

David H Clark
vs
Same

Marcena L. Inartis
vs
Same.

Opinions of the Court in the above entitled causes, by Edwards. Justice, were duly announced & filed and entered of record in the files of said Supreme Court

And now Court is adjourned to October 6th. 1884. at 9. o'clock in the forenoon of said day

Attest

B. S. Wilkins
Clerk

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U. S. Supreme Court, October Term A.D. 1884. 1st Day of Term.

Tuesday October 7th 1884

Be it Remembered, that on this 7th of October A.D. 1884. it being the 1st Tuesday of October A.D. 1884 Court met at the Court Room in the City of Yankton the Seat of Government of said Territory of Dakota, pursuant to Law.—

Present Hon A. J. Edgerton Chief Justice.
S. L. Hendson, Wm. Edmunds W. D. Palmer, Servant
Lamb and Wm. G. Francis Associate Justices thereof.

Hugh J. Campbell Esqr. U.S. Attorney
W. S. Marshal.

Grant Sharpe Crier
H. Bradley and Warren Osborn Bailiffs
B. S. Williams Clerk

Court being duly opened, the following proceedings were had to Wit.

1st Calling of the Calendar of Cases.—

The United States. Plff in Error
vs
James E. Robinson Defft in Error } No 160.

And now this 7th day of October A.D. 1884. the above entitled cause coming on for argument and hearing in its regular order on the Calendar. H. J. Campbell Esqr U.S. Attorney, appearing with out argument for the United States said Plff in Error and James E. Robinson Esqr for said defendant in Error and thereupon said cause submitted to the Court.—

Greenleaf Hazelton et al, Respd'ts
vs
Newton A. Pettijohn Appellant } No 162.

The above cause being called, by stipulation of parties hereto it is continued to the next Term of this Court.—

And now Court is adjourned to Wednesday the 8th day of October A.D. 1884. at 9 o'clock a.m. the forenoon of said day.—

Wednesday October 8th 1854.

Court met at the Court Room in the City of Jackson Dakota Territory. pursuant to adjournment.

Present. — Hon. A. J. Edgerton Chief Justice
S. A. Henderson Wm. E. Church J. S. Palmer Samuel Smith and Wm. H. Francis associate justices thereof. —
H. J. Campbell Esqr U. S. Attorney.
W. S. Marshal

Grant Sheriff
H. Bradley and Warren Olcott Bailiffs
B. S. Williams Clerk.

Court being duly opened. the following proceedings were had &c. viz:

John S. Williams.
Appellant
St Paul & Minneapolis
Manitoba R.R Co. Respdt

No 194.

The above cause being called it is hereby continued (by Stipulation of Attys and permission of the Court) to the next Term of this Court.

The United States
Defendant in Error
vs
Herbert Goepfert
Plff in Error

The above entitled action being called. it is hereby continued to the next Term of this Court by consent of the Counsel, and by permission of the Court. —

J. W. Thomas
Plaintiff & Respondent
vs
The Pitts Agricultural Works
Defendants & Appellants

No 190

The above entitled cause being called for argument & hearing Isaac Miller & Green Appearing with Oral argument for said Appellants. Alfred Wallin Esq Contra — And thereupon cause submitted to the Court —

Wednesday Oct 8th Continued

Territory of Dakota
In Supreme Court.

On the matter of the admission of A R Bryan Esq as an Attorney and counsellor of said Supreme Court.

Now on this 8th day of October A.D. 1884. being the second day of the term Comes J R Gamble an Attorney of this Court and moves that A R Bryan a practicing attorney in the 4th Judicial District of this Territory and a resident thereof be admitted an Attorney and counsellor of this Court and licensed to practice therein according to law and the rules and practice of this Court

John R Gamble
Atty at Law

On presentation of the above and foregoing motion in open Court and on consideration thereof.

It is ordered by the Court that said motion be and the same is hereby granted, and it is further ordered that the said A R Bryan be, and he is hereby admitted an Attorney and Counsellor of this Court according to law licensed to practice in this Court according to law, and the rules and practice of said Court, and it is further ordered that the oath prescribed by law be administered in open Court to said applicant which is accordingly done this 8th day of October A.D. 1884.

By the Court
A J Edgerton Chief Justice

Territory of Dakota }
In Supreme Court }

In the matter of the admission of Arthur J. O'Keefe Esq as an attorney and counsellor of said Supreme Court. — Now on this 8th day of October 1884 at October term 1884. comes James H Bastard an attorney of this Court and moves that Arthur J. O'Keefe a practicing attorney in this Third Judicial District of Dakota and a resident thereof, be admitted an Attorney and Counsellor of this Court and licensed to practice therein according to law and the rules and practice of this Court.

J H Bastard
Attorney for Supreme Court.

On presentation of the above and foregoing motion in open Court and on consideration thereof. —

It is ordered by the Court that said motion be and the same is hereby granted, and it is further ordered that said Arthur J. O'Keefe be and he is hereby admitted an attorney and

U. S. Supreme Court, October Term A. D. 1884. 2nd Day of Term.

Wednesday Oct 8th Continued

and Counsellor of this Court and accordingly licensed to practice in this Court according to law and the rules and practice of this Court; and it is further ordered that the Oath prescribed by law be administered in open Court to said applicant which is accordingly done this 8th day of October. 1884

By the Court

A. J. Edgerton

Chief Justice

Allice M. Stewart

Appellant

vs

The St. P. and Minneapolis & Manitoba Railway Co

Respondent

} No 162.

The above entitled action having been heretofore argued before this Court to wit; At the May. A.D. 1884 Term. It is hereby ordered by the Court that a re-argument be had in said cause and new Issue. Counsel prep Smith & Green with oral argument for and in behalf of Allice M Stewart. said Appellant. and Judge Greenleaf & Clark with Oral argument for said Respondents. — And thereupon cause submitted to the Court. —

U. S. Supreme Court. Oct Ter 1884. 3 Day of Term.
Thursday Oct 9th 1884.

Court met at its Court Room in the City of Jamestown Dakota Territory pursuant to adjournment.—
Present Hon A J Edgerton Chief Justice
S. A. Hudson Hon E. Elwood Wm L Palmer Second Associate
Justice Hon H. Francis Associate Justices thereof.—
Henry A Campbell Esqr U S Atty.
W S Marshall
Grant Shafer Esqr.
Henry Bradley & Warren Osborn Backoffs
B. S Williams Clerk.

Court being duly opened the following proceedings were had. Viz:

Benjamin H Harder et al
Plff & Respondents
vs
State of Bullock
Defts & Appellants
No 185.

And now this 9th day of October AD 1884 the above cause coming on to be heard Gamble Bros appearing with oral argument for and in favor of State of Bullock said Appellants and A J Plowman Esqr Contra.—
And thereupon Cause submitted to the Court.—

Sula B. Sanford
Respondent
vs
Chicago St Paul Minneapolis & Omaha Railway Company
Appellants
No

And now this 9th day of Oct 1884 the above entitled action being called for argument Hon Wm Wilson Sweezy for the Appellants and A P. Bryan Esqr Contra.—
And thereupon Cause submitted to the Court.

Hannah M. Barnicott
Appellant
vs
John S Haggart
Respondent
No 182

And now this 9th day of October 1884

U. S. Supreme Court, October Term A.D. 1884. 3rd Day of Term.
Monday Oct 9th Continued

The foregoing cause being called for argument the same James D Robinson Esqr appearing with Oral argument for said Appellants, and Hugh Miller & Green for Respondents.—

And thereupon cause submitted to the Court.—

Territory of Dakota
In Supreme Court

In the matter of the admission of Cyprus Wellington as an attorney and counsellor of said Supreme Court.—

Now on this 9th day of October 1884, comes James H Bosard an attorney of this Court, and moves that Cyprus Wellington, a practicing attorney in the 3rd Judicial District of this Territory and a practicing attorney of the Supreme Court of Iowa & having business in this Court be admitted an attorney and counsellor of this Court and licensed to practice therein according to law and the rules and practice of this Court

J H C Bosard

On presentation of the above motion in open Court and on consideration thereof

It is ordered by this Court that said motion be and the same is hereby granted, and it is further ordered that said Cyprus Wellington be, and he is hereby admitted an attorney and counsellor of this Court and accordingly be licensed to practice in this Court according to law and the rules and practice of this Court, and it is further ordered that the oath prescribed by law be administered in open Court to said applicant, which is accordingly done this 9th day of October A.D. 1884

By the Court
A. J. Edgerton
Chief Justice

11. U. Supreme Court Utah Term A.D. 1884. 4th Day of Term.
Friday October 10th 1884

Court met at its Court Room in the City of Fountain Territory, pursuant to adjournment.
Present

Hon Henry J. Bolgiano Chief Justice
Hon S. A. Henderson Wm Elbert. W. S. Peters, Associate
Justices and Wm H. Francis Associate Justice Absent
Hugh J. Campbell U.S. Attorney
W. S. Bracket
Assist Sheriff Crier
H. Bradley and Warren Osborn Bailiffs
B. J. Baltzell Clerk.

Court being duly opened the following proceedings were had:—

In the Matter of the Trust Funds
of C. L. Walker Appellant.
vs
Gladden Griggs & Co
Respondents
No 194.

The above cause being called on
a motion to dismiss by Hugh Bennett & Reeb for Respondents
Motion argued by Hugh Bennett & Gifford contra—

C. H. Longo & Co
Respondents
vs
Palmer & Elliott
Appellants.
No 195.

And now this 10th day of Oct 1884
the above cause being called, on motion of Atty
and account of Court it is hereby continued to the next
term of this Court, for the purpose of completing record therein

W. J. Hawk
Respondent
vs
C. C. Fletcher. Appellant
No 181.

The above cause being called Hugh
Miller & Green for Respondents, case submitted on briefs
by counsel (none)

U. S. Supreme Court. October Term A.D. 1884. 4 Day of Term.

Friday October 10th Continued

Margaret Edwisons et al
Appellants
vs
Elijah F Hovey
Respondents
No 198.

The above cause being called for argument & hearing Bartlett Smith Esqr appearing with oral argument for said Appellants. and by Hugh Munson & Lowrey for the Respondents.—

Territory of Dakota
In Supreme Court.

In the matter of the admission of James D Elliott Williams H Lyon and A H Barton. as Attorneys & Counsellors of this Supreme Court.

Now on this 10th day of October 1884 comes F B Gamble Attorney of this Court and moves that James D Elliott and A H Barton practicing Attorneys in the Second Judicial District Courts of this Territory and residents thereof, and Williams H. Lyon a practicing attorney in the fourth Judicial Dist of this Territory and resident thereof, be admitted as Attorneys and Counsellors of this Court and licensed to practice therein according to Law, and the rules and practice of this Court.

F B Gamble

On presentation of the above and foregoing motion in open Court, and on consideration thereof.—

It is ordered by the Court that said motion be and the same is hereby granted; And it is further Ordered that said James D Elliott, Williams H Lyon and A H Barton, be and they are hereby admitted as Attorneys and Counsellors of this Court, and accordingly licensed to practice in this Court according to Law and the rules and practice of this Court

And it is further ordered that the oath prescribed by law be administered in open Court to said applicant which is accordingly done this 10th day of October 1884

By the Court
A J Edgerton Chief Justice

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U. S. Supreme Court, October Term A.D. 1884. 5th Day of Term.
Saturday October 11th 1884

Court met at the Court Room in the City of Yankton, Dakota Territory — pursuant to adjournment.

Present

Hon A J Edgerton Chief Justice
S A Henderson Asst Justice Wm Blatchford Asst Justice Stanley Matthews Asst Justice
Wm H Francis Assoc Justice thereof

Hugh J Campbell U S Attorney
W S Marshal
Grant Church Crier
H C Bradley and Warren Osborn Bailiffs
B S Williams Clerk

Court being duly opened the following proceedings were had to wit:

Richard Henes
Respondent
vs
The Northern Pacific Railroad Company Appellant

} Order on this 11th day of Oct 1884
The Opinion of the Court in the above entitled action, by Henderson J. was duly announced filed and ordered of record on the files of this Court —

Samuel T Hood
Respondent
vs
Edward Smith Bertsos et al Appellants

} Opinion of the Court in the above entitled action, by Henderson J. was duly announced and filed in open Court this 11th day of October 1884. and ordered of record on the files of this Court —

In Re Jacobson et al
Appellants
vs
Elijah J Harvey
Respondents

} And now this 11th day of Oct 1884
The above cause coming on for further argument this day
H. J. Bigelow Esqr for Appellants & Hon Warner Higley Contra
[illegible]

U. S. Supreme Court. October Term 1854. 5th Day of Term.
Saturday October 11th Continued

In D Wells et al
Appellants
vs
P H Peterson
Respondent

And now this 11th day of October 1854 this above cause coming on for argument & hearing upon Printed Arguments for Appellants. with Oral Argument. and Bartlett Sharps Esqr for said Respondents

U. S. Supreme Court. October Term A.D. 1884. 6th Day of Term.
Friday October 13th 1884.

Court met at the Court Room in the City of Jamestown Dak
Nota Session. Pronouncement & adjournment.
Present Hon A J Edgerton Chief Justice
S Henderson Wm P Church W D Palmer Second Associate
Justices Wm H. Francis Appointed Justice thereof.
H L Campbell U S attorney
W S Marshal
Grant Sharp Crier
H Bradley and Warren Osborn Bailiffs
B S Williamson Clerk.

Territory of Dakota
Plff in Error
vs
Michael Boylan
Deft in Error } Motion to dismiss

The above motion coming on for argument hearing A Hughes Atty Gen for and B Shiffer Esq contra, and upon consideration thereof, Court continued to the next term of this Court.

H J Bush et al
Respondents
vs
The Northern Pacific Railway Co Appellants } The above cause being called and argued by Gamble Bros for Respondents and submitted on printed Briefs by appellants.

Louis Hebert
Respondent
vs
Wm J Rhodes
Appellant } No 188

And now this 13th day of October 1884 the above cause coming on for argument and hearing E L Cooley Esq appearing with Oral argument for Appellant and C B Pratt Esq for the Respondent and thereupon cause submitted to the Court.

U. S. Supreme Court, Case of J. C. Mc. Monday Oct 13th Continued

Territory of Dakota
In Supreme Court.

In the matter of the application of P. Mooney Esq. to be admitted
and Counsellor of said Supreme Court —

Now on this 13th day of October 1884 being the 6th day of October Term
Chas E. Platt Esq. one attorney of this Court and moves this
P. Mooney a practicing Attorney in the Courts of this Territory
and a resident thereof be admitted an Attorney and Counsellor
of this Court and thereupon Mr. Mooney takes according to Court
the rules and practice of this Court

C. E. Platt.

On presentation of the above motion in open Court and in
Consideration thereof — It is ordered by the Court that said
motion be and the same is hereby granted, and it is further
ordered that the said P. Mooney be and he is hereby
admitted an attorney and counsellor of this Court, and
according hereunto to practice in this Court and it is further
ordered, that the oath prescribed by law be administered
in open Court to said applicant which is accordingly done
this 13th day of October A.D. 1884.

By the Court
A. J. Edgerton
Chief Justice

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U. S. Supreme Court, October Term A.D. 1884. 1st Day of Term.
Tuesday October 14th 84.

Court met at the Court Room in the City of Yankton Dakota Territory, pursuant to adjournment.
Present Hon A. J. Edgerton Chief Justice
A. H. Henderson Wm. P. Church Wm. Palmer Leonard Lawrence
& Wm. H. Francis. Special Justices thereof —
H. J. Campbell U. S. Attorney
W. R. Steele
Great Seal Crier
H. Bradley & Warren Osborn Bailiffs
B. L. Williams Clerk

Territory of Dakota,
In Supreme Court. In the matter of the admission of J. S. Chandler as an attorney and counsellor of said Supreme Court.
Now on this 14th day of October 1884. being the 7th day of said term comes R. J. Gamble, an attorney of this Court and moves that Joseph S. Chandler a practicing attorney in the 2nd Judicial District of this Territory, and a resident thereof, be admitted an attorney and counsellor of this Court and licensed to practice therein according to law and the rules and practice of the Court

R. J. Gamble.

On presentation of the above motion in open Court and on consideration thereof.

It is ordered by the Court, that said motion, be and the same is hereby granted, and it is further ordered that said Joseph S. Chandler be and he is hereby admitted an attorney and counsellor of this Court and accordingly licensed to practice in this Court according to the rules and practice of this Court, and it is further ordered that the oath prescribed by law be administered in open Court to said applicant which is accordingly done this 14th day of October A.D. 1884. By the Court. —

U. S. Supreme Court, October Term. A.D. 1884. 8th Day of Term.
Wednesday October 15th 1884

Court met at the Court Room in the City of Yankton Dakota Territory - pursuant to adjournment.
Present

Hon A J Edgerton Chief Justice,
I A Hudson - William E Church - W H Palmer - Seward Smith
and Wm H Francis. Associate Justices thereof
Hugh J Campbell U S Attorney
U. S. Marshall
Grant Shaw Crier
H Bradley, Warren Osborn Bailiffs
B J Williams Clerk

and the following proceedings were had: viz

The United States of America - Territory of Dakota } ss.
In the Supreme Court

Writ of Error to the Third Judicial District Court

The United States
vs.
Plaintiff in Error
James E Robinson
Defendant in Error

No 160

October Term 1884

The writ of Error herein coming on to be heard at the October A.D. 1884 Term of this Court - Present A J Edgerton, Chief Justice, and I A Hudson, Wm E Church, Seward Smith, Wm H Francis, Associate Justices, and the same having been argued by Hugh J Campbell Esq U. S. Attorney for the plaintiff in Error and by James E Robinson Esq for the defendant in Error and the Court having fully advised thereof; and being of opinion that no Error exists in the Record herein from the said Third Judicial District Court in this Case - It is therefore this 15th day of October One Thousand Eight Hundred and Eighty four, all the said premises and the Record herein being by the Court fully known, now here considered and adjudged that the judgment of the said District Court within and for the said Third Judicial District of Dakota Territory in said Case of the United States against James E Robinson be and the same is hereby in all respects affirmed

And it is further ordered that the Cause with the record herein be remanded to the said Third Judicial District Court, with directions to take such further proceedings as by law provided and as shall be proper therein

By the Court
A J Edgerton
Chief Justice of Supreme Court D T

All the Justices concurring except Judge Palmer who being absent at the time of the Argument took no part in the decision

No 181.

The United States of America }
Territory of Dakota } ss.

No 81

In the Supreme Court

Appeal from the District Court of Cass County

H J Hawke
Plaintiff & Respondent
vs
H L Fletcher et al
Defendants & Appellant

October Term 1884

This Action coming on to be heard at the October A. D 1884 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice, and I. A Shedon, Wm E Church and C S Palmer, Seward Smith & Wm H Francis Associate Justices;

and the Appeal herein having been argued by Mess Spaulding & Templeton for the Appellant, and by Mess Miller & Keene for the Respondent, and the Court having advised thereon, it is now here considered, Ordered and adjudged, that the judgment of the said District Court within, and for said Cass County, appealed from herein be and the same is hereby reversed.

And it is further Ordered, That this Cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further considered and adjudged, that the Appellants H L Fletcher et. al. have and recover of the Respondents his costs and disbursements on this appeal expended, Taxed and allowed at

Done in Open Court Oct 15. 1884

By the Court
A J Edgerton
Chief Justice Supreme Court D. T

at the January Convening

U. S. Supreme Court, October Term A. D. 1884. 5th Day of June.
Wednesday October 15th 1884
continued

No 185

The United States of America }
Territory of Dakota, } ss

(No 12)

In the Supreme Court
Appeal from the District Court of Lawrence County

Benjamin H Warder et al
Plaintiffs & Respondents
vs
Star J Bullock
Defendant & Appellant

October Term 1884

This action coming on to be heard at the October A.D. 1884 term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D. T.

Present, et J Edgerton, Chief Justice, and I et Hudson, W E Church and C I Palmer, Seward Smith, Wm A Francis Associate Justices; and the Appeal herein having been argued by Lambs Bros for the Appellant, and by A J Bowman Esq for the Respondent and the Court having advised thereon, it is now here considered ordered and adjudged, That the judgment of the said District Court within and for said Lawrence County, appealed from herein be and the same is hereby affirmed

And it is further Ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court.

And it is further considered and adjudged, That Respondents have and recover of the Appellant, his costs and disbursements on this appeal expended, taxed and allowed &

Done in Open Court Oct. 15th 1884

By the Court
A J Edgerton
Chief Justice Supreme Court D T

all the Justices concurring

No

The United States of America }
Secretary of Dakota } vs

In the Supreme Court

Appeal from the District Court of Codington County

John Shields and H Sawyer
Co-partners under the firm
name of Shields & Sawyer
Plaintiffs

vs

O H Frebell and C B
Wellington Co-partners as
Frebell & Wellington
and W. L. Brekell
Defendants

October Term 1884

This action coming on to be heard at the October A.D. 1884 Term of said Supreme Court at the Supreme Court Room in the City of Yankton, D. T.

Present: A J Edgerton, Chief Justice, and S. A. Hudson, W. E. Sheets C. J. Palmer, Seward Smith and William H. Francis Associate Justices; and the motion to dismiss the appeal herein having been argued by Gamble Bradbury Attorneys for the Respondents and no one appearing for Appellants and due proof of the service of said motion having been made, and the Court having advised thereon, it is now here Considered, ordered and adjudged that the appeal herein be and the same is hereby dismissed

And it is further Ordered, That this Cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court

And it is further Considered and adjudged, that Respondents have and recover of the Appellants his Costs and disbursements on this appeal expended; taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D T

In the High Court of Justice
Chancery Division
Palatine Court
Before Mr. Justice Kekewich

In the matter of the Settled Estates Act 1877
and
In the matter of the Settled Estates Act 1882
and
In the matter of the Trustee Act 1893
and
In the matter of the Settled Land Act 1882
and
In the matter of the Trustee Act 1888
and
In the matter of the Settled Estates Act 1890
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In the matter of the Settled Land Act 1890
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In the matter of the Settled Estates Act 1887
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In the matter of the Settled Estates Act

6

U. S. Supreme Court. Dakota Term
Wednesday October 15th A.D. 1884. 8th Day of Term.
continued

No 152

The United States of America }
Territory of Dakota } ss:

In the Supreme Court

Appeal from the District Court of Lawrence County

Joseph Ramsdell
Plaintiff, Respondent
vs
Lawrence County
Defendant, Appellant

October Term 1884

This action coming on to be heard at the October A.D. 1884 term of said Supreme Court at the Supreme Court Room, in the City of Yankton D.T. upon motion to dismiss the Appeal

Present: A.J. Edgerton, Chief Justice, and I.A. Hudson, Wm E. Church and C.J. Palmer Associate Justices, and the motion to dismiss appeal herein having been argued by Alexander Hughes Atty General, Dakota for the Appellant and by Bartlett Tripp for the Respondent and the Court having advised thereon, it is now here Ordered That the Appeal from the judgment of the said District Court within and for said Lawrence County be, and the same is hereby dismissed at the Appellants Costs without prejudice to any appeal subsequently taken from said judgment

And it is further Ordered, That this Cause be and it is hereby remanded to the District Court for further proceedings according to law, and the order of this Court

And it is further considered and adjudged, That Joseph Ramsdell the Respondent have and recover of the Appellant his costs and disbursements on this appeal expended, taxed and allowed at

By the Court
A.J. Edgerton
Chief Justice Supreme Court D.T.

The United States of America } No 193
Territory of Dakota } ss.

No 24

In the Supreme Court
Appeal from the District Court of Brookings County

Territory of Dakota on Rel
Peter C Murphy
Plaintiff & Appellant
vs
Hugh J Murphy
Defendant, Respondent

October Term 1884

This action coming on to be heard at the October A.D. 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Yankton. D. T.

Present. A J Edgerton, Chief Justice, and J. M. Haudson Wm E Church and C. J. Palmer, Edward Smith and Wm H. Francis Associate Justices, and the Appeal herein having been submitted on Brief by the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Brookings County, appealed from herein, be and the same is hereby Reversed

And it is further Ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law and the judgment of this Court

And it is further Considered and adjudged that

have and recover of the

his costs and disbursements on this appeal expended, taxed and allowed at

By the Court
A J Edgerton
Chief Justice Supreme Court D.T.

all the justices concurring

U. S. Supreme Court, October Term. A.D. 1884. 8th Day of Term.
Wednesday October 15th 1884 continued

In Supreme Court

October Term 1884

The Territory of Dakota
ex. rel
John A. Burbank,
vs
Hebon Benedict et. al
as the Board of County
Commissioners Union C. D. T.

The motion for Argument in this action coming on to be heard this thirteenth of October A. D. 1884

Ordered that the hearing of said Motion be and the same is, on motion of Respondents Counsel adjourned and continued to the next term of this Court. And that all proceedings be in the meantime stayed

By the Court
A J Edgerton
Chief Justice

Territory of Dakota
In Supreme Court

Benjamin H Wheeler et. al
Respondents
-vs-
Har. Bullock
Appellant

And now this 15th day of October A. D. 1884 come Bramble Bros. appearing for Appellants and move the Court that a stay of proceedings be allowed in the above cause for Ninety days in order to perfect an Appeal to the Supreme Court of the United States

Bramble Bros.
Attys for Appellants

And now same day the above motion is granted and bond to be fixed by Court.

A J Edgerton
Chief Justice

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No.

The United States vs Herbert Leopert — Writ of Error 2d Judicial Dist — H J Campbell U. S. Attorney; Bartlett Tripp Esq.

Continued to the next Term of this Court

No. 180

Territory of Dakota Defendant in Error vs Michael Biglin Plff in Error — Writ of Error from Dist Court of Lawrence County — Alexander Hughes Attorney General; Bartlett Tripp Esqr

Continued to the next Term of this Court

No 152

William Calley Respondent vs E H Palmer Appellant — Appeal from Dist Court of Cass County — William C Reiser Esqr; Mess Miller & Greene

Continued to the next Term of this Court

No. 155

George W Forbes Respondent vs Frederick Driscoll — Appeal from Dist Court of Lawrence County — Albert Allen & J M Young Esq.; Vanlise & Wilson Esqrs

Continued to the next Term of this Court

No 169

Alice M Stewart Appellant vs St Paul Minneapolis & Manitoba R. R Co Respondent — Appeal from Dist Court of Cass County — Mess Miller & Greene; Greenleaf Clarke Esqr

Argued at this term and held under advisement

No 176

J W. Moreau Respondent vs Pitts Agr Works Appellant — Appeal from Dist Court of Cass County — Alfred Walker Esqr; Mess Miller & Greene

Argued at this Term and held under advisement

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U. S. Supreme Court, October Term, A.D. 1884.. 8th Day of Term.
Wednesday October 15th 1884

H M Burdick
Appellant
vs
John P Haggart
Respondent

No. 182
Appeal from
Dist Court of
Cass County

James I Robinson Esq
Jeff Miller, Greene

argued at this term and held under advisement

No. 183

First National Bank
of Grand Forks
vs
H J Stone

Appeal from
Dist Court of
Grand Forks

C Wellington Esq
A Wellin Esq

continued to the next Term of this Court

J Thompson et al
Respondent
vs
J A Pettegrew
Appellant

No 187
Appeal from
Dist Court of
Minnehaha
County

C H. Wynn Esq
Winton, Lovejoy

continued to the next term of this Court

Louis Bessett
Respondent
vs
John J Rhodes
Appellant

No 188
Appeal from
Dist Court of
Grand Forks
County

C J Pratt Esq
W L Wilds Esq

argued at this term of this Court and held under advisement

Thos D Wells et al
Appellant
vs
P F Edmonston &
Respondents

No 189
Appeal from
Dist Court of
Minnehaha
County

Winton, Lovejoy
Bartlett Tripp Esq

argued at this Term and held under advisement

B F Stanton
Respondent
vs
C F Coats
Appellant
} No 191 Appeal from Dist Court of Minnehaha County
C H Wynn & J W Jones Esqrs
Winsor & Savage
submitted on brief and held under advisement

Lulu B Stanford
Respondent
vs
Chicago St Paul Minneapolis Omaha R R Co
Appellant
} No 192 Appeal from Dist Court of Minnehaha County
A B Bryan Esq
Winsor & Savage
argued at this term and held under advisement

C H Edmeson
Appellant
vs
E A Storey
Respt
} No 193 Appeal from Dist Court of Minnehaha County
B Tripp Esq
W Winsor & Savage
argued at this term of this Court and held under advisement

F J Williams
Appellant
vs
St Paul Minneapolis & Manitoba R R.
} No 194 Appeal from Dist Court of Grand Forks County
W Bottsford & Sifford
W L Wilder Esq
continued to the next term of this Court

C H. Sargeant
Respondent
vs
Palmer & Elliott
Appellants
} No 195 Appeal from Dist Court of Grand Forks County
M Noyes & Noyes
M Bottsford & Sifford
continued to the next term of this Court

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U. S. Supreme Court, October Term A.D. 1884. 8th Day of Term
Wednesday October 15th 1884 continued

Order of Court

And now, This 15th day of October A. D. 1884, Whereas Hugh J Campbell, United States Attorney, has presented in open Court the foregoing account, and proved to the satisfaction of the Court that the service, attendance and travel charged for therein were actually and necessarily performed as charged, and whereas the same appears to be just, and according to law. It is ordered by the Court, that the said account amounting to Fifty & dollars be and the same is hereby approved

By the Court
A J Edgerton
Chief Justice Supreme Court

In the Supreme Court of Dakota Territory at a term thereof begun and held at Yankton on the 9th Day of October 1884

Present: The Hon A J Edgerton Chief Justice, and S. A Hudson Wm E Church C J Palmer Seward Smith and Wm H. Francis Associate Justices thereof the following order was made and entered of record: to Wit:

Whereas B L Wilkins Clerk of this Court has rendered to this Court an account of his fees at the adjournment thereof A.D 1884 of this Court, with the items thereof and in the presence of
has proved on oath to the satisfaction of the Court, that the services therein charged have been actually and necessarily performed as therein stated And whereas said charges appear to be just and according to Law. It is hereby ordered that said account amounting to Fifty Five and 00/100 dollars, be and the same is hereby approved

By the Court
A J Edgerton
Chief Justice

U. S. Supreme Court, October Term A.D. 1884. 8th Day of Term.
Wednesday October 15th 1884 continued

The United States in account with B. L. Williams Clerk of the Supreme Court of Dakota Territory for services as follows: to Wit:

For services in attendance (as Clerk) at the adjourned May Term 1884 July 1st Sept 20th and Oct. 6 1884 3 Days @ 5.00 pr Day $ 15.00

October Term AD 1884.
October 7. "8". 9th. 10th. 11th. 13th. 14th and 15th 1884
8 days at $5.00 . . 40.00

Total $ 55.00

I B L Williams Clerk of the Supreme Court for the Territory of Dakota, being duly sworn deposes and says that the services above referred to have been actually and necessarily performed as therein stated, and that its items are correct and legal and its amount thereof justly due to him as therein stated, as he verily believes.—

B L Williams
Clerk

Subscribed and sworn to before me this
15th day of October AD 1884
E J Edgerton
Clerk

In the Supreme Court of Dakota Territory at a term thereof begun and held at Yankton on the 7th day of October 1884. Present the Hon A J Edgerton Chief Justice and J. A Hudson, Wm E Church, C J Palmer, Seward Smith and Wm H Francis Associate Justices thereof.—
The following order was made and entered of record
to Wit:

Whereas B. L. Williams Clerk of this Court has rendered to this Court an account of his fees at the May AD 1884 term of this Court with the items thereof and in the presence of.
has proved on oath to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated—

U. S. Supreme Court. Peter Ten Eyck
Wednesday October 15th 1884

D. D. 1884. 8th Day of Term
continued

The witness said charges appear to be just and according to law. It is hereby ordered that said account amounting to Three and 80/100 dollars be, and the same is hereby approved

By the Court
A J Edgerton
Chief Justice

The United States in account with B J Williams Clerk of the Supreme Court of Dakota Territory for Services as follows. to Wit:

For recording Orders of Supreme Court on three Accounts of Session
Allen U. S. Marshal filed and approved May 23d 1884

2 folios each 6 folios @ 15¢	90
Copies of the same	60
Filing said accounts	30
Three Certificates & Seals	1.05
For recording Order of Court on act of B J. Williams Clerk	
of said Court filed May 23d 1884	30
2 folios " 15¢	30
Copy of Them	20
Filing d°	10
Certificate and Seal	35
	$ 3.80

I B J Williams Clerk of the Supreme Court for the Territory of Dakota, being duly sworn deposes and says that the Services above referred to have been actually and necessarily performed as therein stated and that the items are correct and legal and the Amount thereof justly due to him as therein stated, as he verily believe

B J. Williams Clerk

Subscribed and Sworn to before me this 15th day of October
A.D. 1884

E J Edgerton
Clerk

[illegible]

[illegible] appellant [illegible]

[illegible] respondent [illegible]

[illegible] appellant [illegible]

[illegible] respondent [illegible]

[illegible] appellant [illegible]

[illegible] respondent [

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III. N. Supreme Court. Motion ... A.D. 1884. Day of Term.
Wednesday October 15th Continued

No 126

The United States of America
Territory of Dakota } ss
In the Supreme Court.
Appeal from the District Court of Grand Forks County.—

In the Probate of the Last Will
of L. F. Baker
Deft-Appellant
vs
Gideon Gregg & Ux
Pff-Respondent

October Term 1884

This action coming on to be heard at the October A.D. 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Jamestown D.T. Present: A.J. Edgerton Chief Justice, and S.A. Hudson Upon E Church & S Palmer Jr and Smith and Wm H. Francis Associate Justices, and the appeal herein having been argued by Hyde Bros & Gifford for the appellant, and by A.J. Cleaves for the Respondent, and the Court having advised therein. It is now here considered, ordered and adjudged that the appeal from the judgment of of said District Court within and for said Grand Forks County, appealed from herein be and the same is hereby dismissed,—

And it is further ordered. That this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court.—

And it is further considered and adjudged. That the Respondents have and recover of the appellants its costs and disbursements on this appeal expended, taxed and allowed at ——————

By the Court
A.J. Edgerton
Chief Justice

U. S. Supreme Court, October Term A.D. 1884. Day of Term.
Wednesday October 15th 1884.

In all cases in which, by law the Attorney General is required to appear for the Territory in this Court and in which the Territory is plaintiff or defendant in Error the Notice of Appeal or Citation in Error as the case may be, and the abstracts and briefs prescribed by law or the Rules of this Court shall be served upon the Attorney General, and in Criminal Causes the Citation in Error shall also be Served upon the District Attorney of the Proper County.—
All vote aye except C.J.
Who votes No.——

Ordered
That there be a Term of this Court held accordingly at the Seat of Government of the Territory commencing on the Third Tuesday of February in each year until otherwise provided.—

Francis	aye	Church	no
Smith	aye	Henderson	aye
Palmer	aye.	C. J.	aye

Ordered
That when this Court is adjourned it be to meet at Bismarck the Seat of Government of the Territory on the 12th day of February 1885 at 10 o'clock A.M.

Francis	aye	Church	aye
Smith	aye	Henderson	aye
Palmer	aye	C J	aye

And now this 15th day of October A.D. 1884. this Court is adjourned to the 12th day of February A.D. 1885. at 10 o'clock in the forenoon of said

Attest C S Williams
Clerk

U. S. Supreme Court. Adjourned October A.D. 1884. 3d Day of Term.

Thursday February 12th 1885.

Be it Remembered, That on this 12th day of February A.D. 1885. the Hon. Supreme Court of the Territory of Dakota, met at the Court Room in the City of Bismarck the seat of Government of the Territory of Dakota, - pursuant to an order of said Supreme Court made and entered of record at Deadwood Dakota Territory on the 15th day of October A.D. 1884. -

And now at 10. o-clock A.M. the Court was duly opened by the Hon Wm H. Francis a Associate Justice of said Court and proclamation being made. It is hereby ordered by Hon Wm H. Francis a Associate Justice, that this Court take a recess until 2 o-clock and 30 minutes in the afternoon of said day.

And now at 2 o-clock and 30 minutes the Hon Court met with the following officers present. -

Hon A J Edgerton Chief Justice presiding
Hons S. A. Henderson, C. I. Palmer, Seward Smith and Wm H. Francis a Associate Justices thereof.
C. Maloy. Clerk Grover P Miller Bailiff

Territory of Dakota }
In Supreme Court }

In the matter of the admission of J F Fort, I H Register, and William T Perkins as attorneys and counselors of said Supreme Court.

And now on this 12th day of February A.D. 1885. comes C H Prosser an Attorney of this Court and moves that J. F. Fort. I H. Register and William T. Perkins practicing Attorneys in the Sixth Judicial District Court of this Territory and Legal residents thereof be admitted as Attorneys and Counselors of this Court and be entitled to practice therein according to law, and the rules and practice of the Court. -

C H Prosser
Attorney of said Court. -

On presentation of the above and foregoing motion in open Court, and on Consideration thereof. It is ordered by the Court that said motion be and the same is hereby granted.

And it is further ordered that said J. F. Fort, I H Register and William T Perkins, be and the same are hereby admitted as Attorneys and Counselors of this Court, and accordingly licensed to practice in this Court according to law, and the rules and practice of this Court. -

And it is further ordered. that the oath prescribed by law be administered in open Court to said applicants, which is accordingly done this 12th day of February A D 1885.

By the Court
A J. Edgerton
Chief Justice

Territory of Dakota
In Supreme Court } In the matter of the admission of John C Carland and E C Rice as attorneys and counselors of said Supreme Court.

And now this 12th day of February 1885 comes F H Register attorney of this Court, and moves that John C Carland and E C Rice Esqrs practicing attorneys in this Dist Court 6th Judicial District of this Territory and residents thereof: be admitted as attorneys and Counselors of this Court and licensed to practice therein according to law, and the rules and practice of the Court.

F H Register
Attorney of said Court.

On presentation of the above motion in open Court, and on consideration thereof: It is ordered by the Court, that said motion be and the same is hereby granted: And it is further ordered that said John C Carland and E C Rice be and the same are hereby admitted as attorneys & Counselors of this Court, and accordingly licensed to practice in this Court according to law and the rules and practice of this Court.—

And it is further ordered that the oath prescribed by law, be administered in open Court to said applicants. which is accordingly done this 12th day of February 1885—

By the Court.
A J. Edgerton
Chief Justice

Territory of Dakota
In Supreme Court } In the matter of the admission of L H Dillon and W In Smith Esqrs as attorneys and counselors of said Supreme Court.—

And now this 12th day of February 1885 comes L H Winsor an attorney of this Court and moves that L H Dillon and W In Smith Esqrs practicing attorneys in the Second Judicial District Court of this Territory and residents thereof be admitted as attorneys and counselors of this Court and licensed to practice therein according to law and

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U. S. Supreme Court Adjourned October Term A. D. 1884. 9th Day of Term.
Continued

the rules and practice of this Court. — C H. Wilson
Attorney of said Court.

On presentation of the above and foregoing motion in open Court, and on consideration thereof; It is ordered by the Court that said motion be and the same is hereby granted; And it is further ordered that said C H Dillon and W W Smith Esqrs be and they are hereby admitted as Attorneys and Counselors of this Court & accordingly licensed to practice in this Court according to law, and the rules and practice of this Court. And it is further ordered that the oath prescribed by law be administered in open Court to said applicant, which is accordingly done this 12th day of Feb 1885.

By the Court
A J. Edgerton Chief Justice

Territory of Dakota }
Supreme Court }

In the matter of the admission of J O B Scobey as an Attorney and Counselor at law of said Supreme Court —

And now on this 12th day of February A D 1885. comes C H Wilson an Attorney of this Court, and moves that J O B Scobey a practicing attorney in the Judicial District Court of this Territory and a resident thereof be admitted as an Attorney and Counselor of this Court, and licensed to practice therein according to law, and the rules and practice of this Court. —

C H Wilson
Attorney of said Court.

On presentation of the above & foregoing motion in open Court and on consideration thereof; It is hereby ordered by the Court, that said motion be and the same is hereby granted; And it is further ordered that said J O B Scobey Esqr be and he is hereby admitted as an Attorney and Counselor of this Court, and accordingly licensed to practice in this Court according to law, and the rules and practice of this Court. And it is further ordered that the oath prescribed by law be administered in open Court to said applicant which is accordingly done this 12th day of February A D 1885.

By the Court
A J. Edgerton Chief Justice

No further business being presented, Court adjourned to meet Feb 13th 1885. at 10 o-clock A. M. in the forenoon of said day.

Attest
O. B. Williams
Clerk

U. S. Supreme Court, Adjourned October Term A.D. 1884. 16th Day of Term.

Friday February 13th 1885.

Court met at the Court Room in the City of Bismarck in Dakota Territory, pursuant to adjournment.—

Present Hon A J. Edgerton Chief Justice presiding.
Hon S A Henderson, Wm P Church & S. Palmer Leonard Smith & Wm H Francis Associate Justices thereof.—

Harrison Allen Esq. W. S. Marshall
& Isaac Crier. J. H. L. Jones & G P. Miller Bailiffs.—
B S Williams Clerk

Court being duly opened the following proceedings were had:

Territory of Dakota
In Supreme Court } On the matter of the admission of David Stewart, James A Haight, and Grover P Miller as Attorneys and Counselors of said Supreme Court.—

And now on this 13th day of February A.D. 1885; comes John D Carlenel, Attorney of this Court and moves that David Stewart James A Haight and Grover P. Miller, practicing attorneys in the Sixth Judicial District Court of this Territory and residents thereof be admitted as attorneys and counselors of this Court and licensed to practice therein according to law and the rules and practice of the Court.

John D. Carlenel
Attorney of said Court.

On presentations of the above and foregoing motion in open Court and on consideration thereof: It is hereby ordered by this Court, that said motion be and the same is hereby granted; And it is further ordered that said David Stewart James A Haight and Grover P Miller be and they are hereby admitted as attorneys and counselors of this Court and licensed to practice in this Court according to law and the rules and practice of this Court. And it is further ordered that the oath prescribed by law be administered in open Court which is accordingly done this 13th day of February A.D. 1885.

By the Court
A. J. Edgerton
Chief Justice

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11. S. Supreme Court adjourned October Term A.D. 1884. to 2nd Day of Term.
Continued

Territory of Dakota }
In Supreme Court }

In the matter of the admission of John F. Phelbrick and Frank B. Allen as Attorneys and Counselors of said Supreme Court.

And now on this 13th day of February A.D. 1885. comes John R. Garland Attorney of this Court, and moves that John F. Phelbrick and Frank B. Allen, practicing attorneys in the Fifth Judicial Court of this Territory and residents thereof, be admitted as Attorneys & Counselors of this Court and licensed to practice therein according to law and the rules and practice of the Court

John R. Garland
Atty of this Court.

On presentation of the above & foregoing motion in open Court. And on consideration thereof. It is ordered by the Court that said motion be granted. And it is further ordered that said John F. Phelbrick, and Frank B. Allen be and they are hereby admitted as Attorneys & Counselors of this Court and accordingly licensed to practice therein according to law and the rules and practice of this Court.

And it is further ordered that the oath prescribed by law be administered in open Court to said applicants which is accordingly done this 13th day of February A.D. 1885.

By the Court
A. J. Edgerton
Chief Justice.

No further business being presented, Court adjourned to meet February 14th 1885 at 10 o-clock in the forenoon of said day.

Attest. B. L. Williams
Clerk

U. S. Supreme Court, Second Octo Ter A.D. 1884. 11th Day of Term.
Saturday February 14th 1885.

Court met at the Court Room in the City of Bismarck Dakota Territory, pursuant to adjournment
Present Hon A J. Edgerton Chief Justice Presiding
Hons L A. Hanson, Jno Newman, C. Palmer, Leonard Smith, Wm H. Francis Associate Justices thereof.

Harrison Allen Esqr U S Marshal
& Maley Crier. J. L. C. Young & G. P. Miller Bailiffs
B. S. Williams Clerk.

Court being duly opened, the following proceedings were had.

Territory of Dakota
In Supreme Court

In the matter of the admission of
John C Hollenbach and William D Wright as attorneys and counsellors of said Supreme Court —

And now on this 14th day of February A.D. 1885. comes Daniel Stewart an attorney of this Court, and moves that John C Hollenbach and William D Wright be admitted attorneys in the Fifth Judicial District Court of said Territory and counsellors thereof be admitted as attorneys & counsellors of this Court and licensed to practice therein according to law and the rules and practice of this Court

Daniel Stewart
Attorney of said Court.

On presentation of the above and foregoing motion in open Court, and on consideration thereof, — It is ordered by the Court, that said motion be granted. — And it is further ordered that said John C Hollenbach and William D Wright, be and they are hereby admitted as attorneys & Counselors of this Court, and accordingly licensed to practice in this Court according to law and the rules and practice of this Court. And it is further ordered that the oath prescribed by law be administered in open Court to said Applicant which is accordingly done. This 14th day of February A.D. 1885.

By the Court
A J Edgerton Chief Justice

And now further business being transacted, Court is adjourned Sine die
Feb 14th 1885 at 10 - o clock in the forenoon of said day

Attest B. S. Williams
Clerk

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11. U. Supreme Court adjourned October Term A.D. 1884. 12th Day of Term.
Monday February 16th 1885.

Court met at the Court Room in the City of Bismarck Dakota Territory. Present and adjournment —
Present Hon Hon A.J. Edgerton Chief Justice presiding
Hon S.A. Nelson, Hon E. Ehrnreich, & Palmer Associate
Justices and Wm. H. Francis Associate Justice absent

Harrison Allen vs Frank Leal
Com. Indg. Cris. & Ad. Jurisdiction & Prelim Barleff
B.S. Williams Clerk

Court being duly opened the following proceedings were had. —

Territory of Dakota
In Supreme Court } ss.
In the matter of the admission of
John F. Selby as Attorney and Counselor
of said Supreme Court

And now February 16th A.D. 1885 comes
Alfred Motlin an Attorney of this Court
and moves that John F. Selby practicing
Attorney in the Third Judicial District
Court of the Territory of Dakota, and resident
thereof, be admitted as Attorney and
Counselor of this Court and licensed
to practice therein according to Law and
the rules and practice of said Court

Alfred Motlin
Attorney of said Court

In presentation of the above and foregoing
motion in open Court and on consideration
thereof. It is ordered by the Court that
said motion be and the same is hereby granted;
and it is further ordered that said John
F. Selby be and he is hereby admitted
as an Attorney and Counselor of this Court
according to license. To practice in
this Court and thereafter. It is ordered
that he take the oath of office, ordered that the oath
be administered by the Clerk in

a Seal Court. As paid application was duly accordingly done. this 16th day of February A.D. 1885.

By the Court
A. J. Edgerton
Chief Justice

Territory of Dakota
In Supreme Court

In the matter of the admission of Theodore K Long, Heber McHugh, George A. Webster, Frank V Daines, Mathew J. Edgerly as Attorneys and Counselors of said Supreme Court.

Came now on this 16th day of February A.D. 1885 Comes E. C Rice an Attorney of this Court and moves that Theodore K. Long, Heber McHugh, George A Webster, Frank V Daines, Mathew J Edgerly Practicing Attorneys in the Eight Judicial District Court of this Territory and residing therein be admitted as Attorneys and Counselors of this Court, and licensed to practice therein according to law and the rules and practice of this Court.

E. C. Rice
Attorney of said Court

(In presentation of the above and foregoing motion in open Court, and on consideration thereof, It is hereby ordered by the Court, that said motion be and the same is hereby granted; and it is further ordered that said Theodore K. Long, Heber McHugh, George A. Webster, Frank V Daines, Mathew J. Edgerly be and they are hereby admitted Attorneys Counselors of this Court, and are duly licensed to practice therein according to law. and the rules, and practice of the Court. And it is further ordered that the Clerk

U. S. Supreme Court, Adjourned October Term A.D. 1884. 12th Day of Term.
Constitution

a harmonious to said applicants motion is accordingly done this 16th day of February A.D. 1885

By the Court.
A. J. Edgerton
Clerk Supreme Court

Territory of Dakota
In Supreme Court,

In the matter of the admission of George R. Farmer as Attorney and Counselor of this Supreme Court.

And now on this 16th day of February A.D. 1885 comes Wm. T. Perkins and Attorneys, this Court and moves that George R. Farmer, practicing Attorney in the United Judicial District Court of this Territory and resident thereof, be admitted as Attorney and Counselor of this Court, and licensed to practice therein according to, laws and the rules of practice of the Court.

Wm T Perkins
Attorney of said Court,

On presentation of the above and foregoing motion in open Court, and due consideration thereof. It is hereby ordered by the Court that said motion be and the same is hereby granted: and it is further ordered that said George R. Farmer be and is hereby admitted as Attorney and Counselor of this Court, and accordingly licensed to practice in this Court according to law, and the rules and practice of the Court.

And it is further ordered that the oath prescribed by law; be administered in open Court to said applicant and he is accordingly done this 16th day of February A.D. 1885

By the Court
A. J. Edgerton
Clerk Supreme Court

In United States of America
Territory of Dakota } ss.
In the Supreme Court
Appeal from the District Court of Cass County

Alice M. Stewart
Plaintiff & Appellant
vs.
The Saint Paul Minneapolis and Manitoba R.R. Company
Defendant, Respondent

} October Term 1884

This action coming on to be heard at the October A.D. 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Yankton &
Present: Hon. J. J. Edgerton, Chief Justice &c. &
L. A. Hinton, Jno E. Church and O. A. Tallmon
Seward Smith and Jno H. Francis Associate
Justices; and the appeal herein having been argued
by Mr. Miller, and Mr. Green for the Appellant
and by Mr. Wilson and Mr. Greene and Mr.
Clark Good, for the Respondent, and the Court
having advised thereon, it is now here Considered,
ordered and adjudged, that the judgment of the
said District Court within and for said
Cass County, appealed from herein be and
the same is hereby affirmed by operation
of law the Court being equally divided.
And it is further ordered, that this cause be
and it is hereby remanded to the District
Court for further proceedings according to
law, and the judgment of this Court
And it is further considered and adjudged
that Respondent have and recover of the
Appellant his costs and disbursements on
this appeal expended; taxed and allowed at

By the Court
O. J. Edgerton
Chief Justice Supreme Court

U. S. Supreme Court October Term A.D. 1884. 12th Day of Term.
Sat down

United States of America } ss
Eastern District of Arkansas }

On the Supreme Court
Appeal from the District Court of Grand Forks County

Louis Dessert,
Plaintiff & Respondent,
vs.
John J. Rhodes
Defendant & Appellant.

} October Term 1884.

This cause coming on to be heard at the October A.D. 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Yankton, D.T.

Present: A. Edgerton, Chief Justice, and A.M. Hudson Wm. E. Church and C.D. Carpenter Associate Justices and Wm. H. Francis Attorney for Justices: and the appeal herein having been argued by W.J. Chisen Esq. for the appellant and by C.J. Crank Esq. for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, That the judgment of the said District Court in this cause for said Grand Forks County appealed from herein be and the same is hereby affirmed by operation of law the Court being equally divided And it is further ordered, That this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court, And it is further considered and adjudged That Respondent have and recover of the Appellant his costs and disbursements and his appeal expenses. to be taxed and allowed. ~~at~~ Sixty three and 70/100 dollars. —

By the Court
A. Edgerton.
Chief Justice. Wm Francis. Clerk

Overruled

The United States Bank at Lancaster }
(Commonwealth, &c.) }
Appeal from the District Court of Lancaster County }
John E. Hagan, Plaintiff & Appellant }
vs. } October Term, 1852.
John E. Hagan, Defendant & Respondent }

This cause coming on to be heard on the Transcript of the Record of the Supreme Court from the Eastern District, and was argued by Messrs. Reed and Champneys for the Appellant, and by Messrs. Miller and Jessup for the Respondent, and the Court having duly considered the same, it is ordered, adjudged, and decreed that the judgment of the said District Court be and the same is hereby affirmed.

And it is further ordered, that the record be remitted to the District Court for further proceedings according to law, and the Justices of this Court do certify accordingly.

And it is further considered and adjudged that Respondent have and recover of the Appellant his costs and disbursements on this appeal expended; Taxed and allowed at

By the Court
A. J. Ellmaker
Chief Justice Supreme Court

Judge Rogers dissents

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U. S. Supreme Court, 2d Oct. Term A.D. 1884 ..12" Day of Term.
Continued

The United States of America } ss.:
Territory of Dakota
In the Supreme Court
Appeal from the District Court of Minnehaha County

Mrs. A. Merrital
Plaintiff & Appellant
vs.
P. W. Edmiston
Defendant & Respondent

October Term 1884.

This action coming on to be heard at the October A.D. 1884 Term of said Supreme Court at the Supreme Court Room, in the City of Yankton D.T.
Present: A. J. Edgerton, Chief Justice and A. Hand
Wm. E. Church and C. B. Palmer Associate Justices.
and Wm. K. Francis, Associate Justices: and the appeal herein having been argued by Messrs Wilson & Lawrence for the appellant and by Messrs Miller & Orell for the Respondent, and the Court having advised thereon, it is now by the Court ordered and adjudged, That the judgment of the said District Court within and for said Minnehaha County, appealed from herein, be and the same is hereby reversed.
And it is further ordered, That this cause be, and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court.
And it is further ordered and adjudged that appellant have and recover of the Respondent his costs and disbursements on this appeal expended; taxed and allowed at

By the Court
A. J. Edgerton
Chief Justice Supreme Court D.T.

Justices Church & Francis
Concur.

The United States of America } ss.
District of Alaska

In the Supreme Court
Appeal from the District Court of Tillamuckahaka County.

L. F. Lamm
Plaintiff & Respondent
vs.
Clark G Coats
Defendant & appellant

October Term 1884

This action coming on to be heard at the October A.D. 1884 Term of this Supreme Court at the Supreme Court Room, in the City of Juneau A. D. Present: A J Edgerton, Chief Justice and D. C. Hindman Wm. C. Shurtz and C. A. Palmer Circuit Judges and Wm H Francis Associate Justice &c. &c. &c. the appeal herein coming on to be heard by Mr. Jno. Dawson and Sweeney for the Appellant and by C. W. Wynn and J. M. Jones Esqr for the Respondent, and the Court having advised thereon, it is now here ordered, adjudged and adjudged, That the Judgment of said District Court within and for said Tillamuckahaka County, appealed from herein, be and the same is hereby in all things affirmed.

And it is further ordered, That the cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of the Court.

And it is further considered and adjudged That Respondent have and recover of the appellant his costs and disbursements on this appeal expended; Taxed and allowed at Thirty two and 00/100 dollars.

By the Court
A. J. Edgerton
Chief Justice

Attest

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U. S. Supreme Court Oct Term A.D. 1884. 12th Day of Term.
Continued

The United States of America } ss:
Secretary of State
On the Supreme Court
Appeal from the District Court of Hennepin County.

Margaret Edwards et al
Plaintiffs & Appellants
vs.
Elijah A. Hovey
Defendant & Respondent
} October Term 1884

This action coming on to be heard at the October A.D. 1884 Term of said Supreme Court at the Supreme Court Room in the City of Washington D.C. Present. A. J. Edgerton, Chief Justice & S. Hudson Wm. E. Lauer and E.S. Palmer Edward Smith & Wm. A. Frances Associate Justices; and the appeal herein having been argued by Messrs Wheeler and Shelly & Lindley Esqrs for the Appellants, and by Messrs Hinson & Severyns for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged that the judgment appealed from herein, be and the same is hereby reversed, and the cause remanded to the District Court for Hennepin County, appealed from herein for and the same is hereby modified in this that no interest shall be allowed on the interest accruing after the maturity of the contract, and the judgment as affirmed as to all other matters.

And it is further ordered, that this cause be and it is hereby remanded to the District Court for further proceedings according to law, and the judgment of this Court, and the said District Court is hereby directed to modify the judgment in accordance herewith.

And it is further considered and adjudged that appellants pay and recover of the Respondent his costs and disbursements on this appeal expended; taxed and allowed at

By the Court
A. J. Edgerton
Chief Justice Supreme Court U.S.

Justice Harlan dissents

Henry M. Brodick
Appellant
vs
John R Haggart
Respondent
} Judgment of affirmance filed -

And now on this 16th day of February A.D. 1885. The Opinion of the Court in the above entitled action by Francis J. was duly announced, filed and entered of record on the files of this Court.

Sula B Sanford
Respondent
vs
Chicago St Paul Minneapolis & Omaha Ry. Appellants
} On the above entitled action our judgment was signed & filed for record

Allie M. Stewart
vs
The Lent Paul Minneapolis & Manitoba R.R
} Judgment filed -

W J. Hawke
vs
H D Fletcher et al
} And now on this 16th day of February A.D 1885 The Opinion the Court in the above cause by Edgerton C.J. was announced, filed and entered of record on the files of this Court

B L Stevens
Respdt
vs
Clerk U.S. Courts,
} And now on this 16th day of February A.D 1885. The Opinion of the Court in the above entitled cause by Edgerton C.J. was announced, filed and entered of record on the files of this Court.

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U. S. Supreme Court, Utah Territory, A. D. 1884. 12th Day of Term.
Monday February 16th Continued

Wm M Lloyd
Respdt
vs
Solon Powers et al

And now this 16th day of February A.D. 1885. The opinion was announced by Church J. in the above cause which was duly filed & entered of record.

Wm M Lloyd
vs
Powers et al

In the above cause the Chief Justice stated the opinion read by Judge Church for the reason that there is no opinion by the Court.
Judges Church and Powers agreeing with the opinion and Judges Henderson and the Chief Justice not agreeing.—

Moses D. Wells et al
Appellants
vs
Percival H Edmiston
Respondent

And now this 16 day of February A.D. 1885. The Opinion of the Court in the above entitled cause by Palmer J. was duly announced filed and entered of record in the file of this Court.

Elijah F Harvey
Plff Respondent
vs
Margaret Edmiston
et al. Appellants.

And now this 16th day of February A.D. 1885. The opinion of the Court by Palmer J. was duly announced filed and entered of record on the file of said Supreme Court.

U. S. Supreme Court. Feb. Term 1885. Error to C.C. Brentano

Dakota Territory
vs
The New Ingalls and Dakota
Mining Co Respondents

Argued and submitted 16th day of February A.D. 1885. The opinion of the Court by Chief Justice Waite was duly announced and filed and ordered of record on the files of the Court.

Robert Hawke
vs Respondents
Edward Dauenbach
Appellant

Argued and submitted 16th day of February A.D. 1885. The Opinion of the Court by Chief Justice Waite was duly filed and ordered of record on the files of this Court. Justice Harlan dissents. Justice Bradley not having been a member of this Court at the time of the argument did not participate.

Moses Pierce et al
vs Respondents
P. Ex Jennings.
Appellants

Argued and submitted this 16th day of February A.D. 1885. The Opinion of the Court by Chief Justice Waite was duly filed and ordered of record on the files of this Court. Justice Harlan dissents. Justice Bradley not having been a member of this Court at the time of the argument did not participate.

Herbert V. Beadle et al
Respondents
vs.
The Northern Pacific R.R. Co
Appellants

Argued and submitted this 16th day of February A.D. 1885. The opinion of the Court by Waite C.J. was duly filed and ordered of record on the files of this Court.

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U. S. Supreme Court.

A. D. 18 . Day of Term.

U. S. Supreme Court, February Term A.D. 1885. 14th Day of Term.

Tuesday February 17th 1885.

Be it Remembered. That on this 17th day of February A.D. 1885. the Supreme Court of the Territory of Dakota, met at the Court Room in the City of Bismarck, the Seat of Government of said Territory, pursuant to Law, and the order of said Supreme Court, made and entered of record at Yankton Dakota Territory on the 15th day of October A.D. 1884.—

Present

Hon A. J. Edgerton Chief Justice Presiding
Hons A. A. Henderson, Wm E. Church, H. L. Palmer, Seward Smith and W. H. Francis. Associate Justices
Hon Wm. Allen U.S. Marshal. A. Insley esq
J. H. Young & Grover Miller Bailiffs D. L. Wilkinson Clerk.—

Court being duly opened the following proceedings were had.—

Territory of Dakota
vs. Supreme Court

In the matter of the admission of Benjamin L. Payne, Americus B. Melville, John A. Pickler, W. H. Barnes, Charles L. Templeton and Joseph Ray as attorneys and counsellors of said Supreme Court.

And now on this 17th day of February A.D. 1885. came Hughes & Barnes of this Court and moved the admission of Benjamin L. Payne, Americus B. Melville, John A. Pickler, W. H. Barnes, Charles L. Templeton, and Joseph Ray as attorneys and counsellors of this Court, they having been duly examined touching their qualifications as attorneys in this Territory and residents thereof are admitted as attorneys and counsellors of this Court and licensed to practice therein according to law, and the rules and practice of this Court.

Alexander Hughes
Attorney for said Petitioners

On presentation of the above and foregoing motion and petition duly verified, and the consideration thereof, it is hereby ordered by the Court that the same be and the same is hereby granted, and it is further ordered that said Benjamin L. Payne, Americus B. Melville, John A. Pickler, W. H. Barnes, Charles L. Templeton and Joseph Ray as attorneys and counsellors of said Supreme Court be and they are hereby admitted as attorneys and counsellors of this Court and licensed to practice in this Court according to law, the rules and practice of this Court.

And it is further ordered that

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U. S. Supreme Court, ... Spring Term A.D. 1885. ... Day of Term.

... of Counsel

Leave is granted to admit John G. Hamilton to practice as an attorney and counsellor of this court.

By the Court

A G Edgerton

Chief Justice.

Territory of Dakota }
In Supreme Court } ss

In the matter of the admission of John G Hamilton as an attorney and Counsellor of said Supreme Court.

And now on this 17th day of February A.D. 1885. Comes J. M. Green an attorney of this Court and moves that John G Hamilton a practicing attorney in the third Judicial District Court of this Territory and a resident thereof, be admitted as an attorney and Counsellor of this Court and licensed to practice therein according to law and the rules and practice of this Court.

M N Greene

Attorney of said Court.

On presentation of the above and foregoing motion in open Court and on consideration thereof, It is ordered by the Court, that said motion be and the same is hereby granted. And it is further ordered that said John G Hamilton be and he is hereby admitted as an attorney and counsellor of this Court, and accordingly licensed to practice in this Court according to law, the rules and practice of this Court. And it is further ordered that the oath prescribed by law, be administered in open Court to said applicant which is accordingly done this 17th day of February 1885.

A G Edgerton

Chief Justice.

Territory of Dakota }
In Supreme Court }

And now this 1st day of February A.D. 1885 comes into Court
the attorney of this Court and moves the Court that P.G. Ridgway
and Charles D Austin be admitted to practice as attorneys & law
of the Supreme Court of this Territory, and shows to the Court that
they are each men of good moral character and residents of
this Territory and practicing attorneys and duly authorized
such in the District Courts of the 3d Judicial District of
the Territory

Wm R Gamble
Atty for

And now to wit this day the above motion being made, and on
motion of John R Gamble Esq ordered that the name of P.G.
Ridgway and Charles D Austin be admitted as attorneys of this
Court, and the oath having been duly administered to them
they are hereby admitted as such attorneys of this Court and
fully authorized to practice as such attorneys

By the Court
D.C. Edgerton
Chief Justice.

Territory of Dakota
In the Supreme Court }

In the matter of the admission of William ... as attorney and Counsellor of this Supreme Court on this 17th day of February A.D. 1885. Comes David M. Tipp an attorney of this Court and shows that-

William ... is a practicing attorney in the ... judicial district of this Territory and resides therein and desires to be admitted as attorney and Counsellor of this Court, and pledged to practice therein according to law and the rules and practice of this Court.

Bartlett Tripp
Attorney of said Court

In presentation of the above and foregoing motion in open Court and on consideration thereof, it is hereby ordered by the Court that said motion be, and the same is hereby granted, and it is further ordered that

William ...

be admitted as an attorney and Counsellor of this Court and accordingly licensed to practice in this Court according to law, and the rules and practice of the Court, and it is further ordered that the oath prescribed by law be administered in open Court to said Applicant which is accordingly done this 17th day of February A.D. 1885.

By the Court
A. J. Edgerton
Clerk of Courts.

Territory of Dakota
In the Supreme Court }

In the matter of the application of ... Esq. of Yankton to be admitted as attorney and Counsellor of this Court on this 17th day of February A.D. 1885. Comes ... Esq. and shows to the Court that he is a practicing attorney and Counsellor of the Supreme Court of the State of ... and has been such for ... years last past, and desires to be admitted as attorney and Counsellor of this Court.

... Esq.

U. S. Supreme Court, January Term A.D. 1885. No 1 Original
Continued

~~Territory of Dakota~~

On presenting the above motion
in open Court - and on consideration thereof it is ordered
by the Court that said motion be and the same is hereby
by granted,

and it further ordered that the oath heretofore
by law be administered in open Court to the said
John W Scott which is accordingly done this 16th
day of February A.D. 1885.

By the Court
C. K. Curtis
Clerk

The Territory of Dakota ex rel
Curtis Hastings Plaintiff
vs
The Territorial Auditor and Treasurer
of the Territory Defts

No 202.

The Territory of Dakota ex rel
Curtis Hastings Plaintiff
vs
Thos Fallon Auditor &
Wm Jayne Treasurer
of the Territory Defts

No 203.

The above causes coming on for
argument & hearing together Bartlett Tripp Esq. appear-
ing with oral argument for the application in both
of said causes.

Granger Thompson & Ole
Thompson Respondents
vs
Lewis & Peterson
Appellants

No 187

And said causes coming on to be heard upon the motion
of Bartlett Tripp Esq. to dismiss the appeals herein
and upon the transcripts of the records herein
filed and upon the respondents

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U. S. Supreme Court, [illegible] A. D. 18[illegible]. [illegible] Day of Term.

[illegible]

Peter v. Paul

Peter Peterson Esq.

-vs-

Henry M. Porter

Defendant in Error

[illegible]

[illegible]

[illegible]

Territory of Dakota

vs

Curtis Peterson et al

Appellants

No 202

Henry P. Hermann et al

vs

Territory of Dakota

Respondents

No 205

Territory of Dakota

vs

Curtis Peterson et al

Appellants

No 119

Appeal from the Supreme Court of the Territory of Dakota.

Mr. Justice Matthews delivered the opinion of the Court.

These cases were argued at the October Term 1887 of this Court, and were submitted for decision upon printed briefs by Mr. Alexander Hughes and Mr. Roger Conchar for the Appellants, and Messrs. Wilson & Wilson as Attorneys and Counsellors of this Court for the Appellees.

Upon the motion of the Attorney General of the Territory of Dakota, and of Messrs. Wilson & Wilson Esqrs. as Attorneys and Counsellors of this Court,

ordered that on this 18th day of February A.D. 1888 the above entitled causes be, and the same are hereby dismissed with costs.

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H. T. Supreme Court, ... A.D. 1885. ... Day of Jan.

Proceedings ... Journal ... Continued

... and Recommendations of Hon Court, and ... presented to ... therein recording ... Court, and its ... and ... of the ... Court.

... Ordered, Etc.

... Association of Dakota ... Certificates ... Court, ... Ordered by the Court, that said certificates ... and that ... Ordered that ... said ... Attorneys and Counsellors of this Court, ... Practicing ... in this Court, ... and that ... Court ...

And it is further ordered that ... be ... in accordingly done this 18th day of January A.D. 1885.

By the Court.

... Clerk.

The Territory of Dakota
vs
Michael Breyer
Def'n in Error

Def'n in Error ... and ... the ... above entitled ... by their ... Attorneys ... this Court, ... be continued ... to the ... of this Court

Dated January 17th A.D. 1885.

Alexander Engel
Def'n in Error
Their Attorney

A ... Court is adjourned ... Thursday Feb 19th 1885 at 9 o'clock A.M. ...

U. S. Supreme Court,

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Term.

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H. S. Supreme Court. Term. A.D. 1885. 3rd Day of Term.

Proceedings of January 19th 1885 continued

Territory of Dakota }
Supreme Court }

In the Matter of the Application of Thomas Sterling and Green L. Ford for admission as Attorneys and Counsellors at Law of this Court.

And now on this 19th day A.D. 1885 comes P.C.B. Scobey an attorney of this Court and moves the Court that Alfred Wallinger Esq. a practicing attorney in the Fourth Judicial District Court of this Territory and resident thereof be admitted an attorney and counsellor of this Court, and licensed to practice therein accordingly if any, and the rules and practice of this Court.

P.C.B. Scobey
Atty for said Appl'd.

On presentation of the above and foregoing motion in open Court, and on consideration thereof it is ordered by the Court that said motion be and the same is hereby granted. And it is further ordered that said Alfred Wallinger be and he is hereby admitted an attorney and counsellor of this Court and accordingly license to practice in this Court and the Courts of this Territory and the duties of attorneys and counsellors at law, and the rules and practice of this Court.

By the Court
W.G. Edgerton
Chief Justice.

Territory of Dakota }
Supreme Court }

And now on this 19th day of February 1885 comes Alfred Wallinger an attorney of this Court and moves the Court that Thomas Sterling of the Fifth Judicial District & Green L. Ford of the Sixth Judicial District be admitted to practice as Attorneys at law of the Supreme Court of this Territory and shows to the Court that they are both men of good moral character and residents of this Territory and practicing attorneys and duly admitted as such in the District Courts of the said Fifth and Sixth Judicial Districts respectively of this Territory

Alfred Wallinger
Atty for said Appl'd.

And on the same day the above motion coming on to be heard and on motion of Alfred Wallinger Esq. it is ordered that the said Thomas Sterling and Green L. Ford be admitted an attorneys of this Court and the oath having been duly administered to them they are hereby admitted as such attorneys of this Court and counsellors at law to practice as such in

Attorneys.

Territory Dakota.
In Supreme Court.

In the matter of the admission of [illegible]
and counsellors of said Supreme Court

And now on this 19th day of February A.D. 1885 comes [illegible]
& Petitions as aforesaid that [illegible]
in the First Judicial District Court of this Territory and received [illegible]
mitted to practice as attorneys and counsellors at law of this Court
thereon according to law and the rules of practice [illegible]

By the Court:
Isaac Stutsman
Attorneys [illegible]

On motion of the above named [illegible] moving for an order admitting [illegible]
petition thereof, it is ordered by the Court that said petition be and the same is hereby granted and it is further ordered that said [illegible]
[illegible] be and is hereby admitted as attorneys and counsellors at law
and practice in this Court according to the rules of the Court.
[illegible]

By the Court:
[illegible]
Clerk

Territory Dakota
In Supreme Court

In the matter of the admission of Henry Hooper Fiske
Wilson Fiske both of this Court. The attorneys and counsellors of said
Court. And now on this 19th day of February A.D. 1885 comes Alfred Wallin attorney of
this Court, and moves that Henry Hooper Fiske and Wilson Fiske, both of
this Territory and residents thereof be admitted as attorneys and counsel
lors of this Court and licensed to practice therein according to law
and practice of this Court.

Signed Wallin
Attorney [illegible]

On hearing the above and foregoing motion [illegible]
petition thereof it is ordered by the Court that [illegible]
the same is hereby granted and it is further ordered that [illegible]

In the Supreme Court of the Dist. of Col. 1885. 5th Day of Term.

Thomas Wilson Esq Julian Hubbell & Wirt Webb and they are duly admitted as attorneys and Counsellors of this Court. And accordingly have issued to practice in this Court accordingly to law. and their names and hearts of this Court.

And it is further ordered that the oath prescribed by law be administered in open Court to said applicant which is accordingly done this 3rd day of February A.D. 1885.

By the Court.
A. C. Edgerton
Chief Justice.

Samuel Fowler, Respondent
Daniel McC. Voll, Appellant

Error

Now on this 17th day of January A.D. 1885 upon motion of Appellant by Henry E. Davis his Counsel it is ordered that this cause on the docket of this Court be and the same is hereby dismissed at the cost of the Appellant.

And it is further ordered that the Register of the Court do certify a copy of this order to the Supreme Court of the District aforesaid, with instructions to correct the said record by striking out of the entries of the proceedings in this cause the words "and the Register of this Court is directed to certify a copy of this order to the Supreme Court of the District aforesaid" and in lieu thereof certify

By the Court
A. C. Edgerton
Chief Justice

And thereupon comes the appellant by Henry E. Davis his Counsel and moves the Court for an order allowing an appeal to the Supreme Court of the District aforesaid from the decree of this Court rendered in this cause on the 20th day of January A.D. 1885 and also from the order of this Court rendered in this cause on the 17th day of February A.D. 1885 dismissing the appellant's petition and bill of complaint herein with costs to the appellee, and it appearing to the Court that the appellant has entered into bond with sufficient security in the penalty of Two Hundred and Fifty Dollars conditioned according to law, it is ordered by the Court that the appeal be allowed as prayed.

By the Court
A. C. Edgerton
Chief Justice

And thereupon comes the appellant by Henry E. Davis his Counsel and moves the Court for an order allowing an appeal to the Supreme Court of the District aforesaid from the decree of this Court rendered in this cause on the 20th day of January A.D. 1885 and also from the order of this Court rendered in this cause on the 17th day of February A.D. 1885 dismissing the appellant's petition and bill of complaint herein with costs to the appellee, and it appearing to the Court that the appellant has entered into bond with sufficient security in the penalty of Two Hundred and Fifty Dollars conditioned according to law, it is ordered by the Court that the appeal be allowed as prayed. Friday February 20th 1885

at 2 o'clock P.M. the hour of which day.

In the Supreme Court, A.D. 18..

Term, Day of Term.

Court met at the Court House in the City of ... Territory, pursuant to adjournment.

Present — Hon. ... Judges

Hons. ... Attorney, Plaintiff, ... Defendant, ... Attorney;

Smith and ... Esqrs. Counsel ...

Harrison ... Clerk.

The Following Order, ... Attorney ... Esq. ... Counsellors ...

Court being duly opened the following proceedings were had—

Territory of Dakota }
Supreme Court }

In the matter of the admission of ... Esq. to practice as Attorney and Counsellor at Law and in the Supreme Court.

And now on this ... day of ... A.D. 188... came the Petitioner ... Esq. in person and by ... Esq. his attorney, and filed his petition praying to be admitted to practice as an Attorney and Counsellor of this Court, and the Court having duly considered said petition and the affidavits of ... Esq. in support thereof, and it appearing to the Court that the said petitioner is duly qualified to be admitted to practice as an Attorney and Counsellor of this Court, and that he has complied with the rules of this Court in such case made and provided, and that he is a person of good moral character, and is entitled to be admitted to practice as an Attorney and Counsellor of this Court, and that he has taken the oath prescribed by law to be taken by Attorneys and Counsellors before they are admitted to practice, and that he has signed the roll of Attorneys and Counsellors of this Court, it is ordered that he be admitted to practice as an Attorney and Counsellor of this Court.

By the Court

Attorney of said Court.

On presentation of the above motion, it is ordered that the same be and the same is hereby granted. And it is further ordered that said ... be and he is hereby admitted as an Attorney and Counsellor of this Court and accordingly licensed to practice in all the Courts of this Territory. And it is further ordered that the Clerk issue to the said ... a certificate of his admission.

By the Court

Attorney of said Court.

On presentation of the above motion, it is ordered that the same be and the same is hereby granted. And it is further ordered that said ... be and he is hereby admitted as an Attorney and Counsellor of this Court and accordingly licensed to practice in all the Courts of this Territory. And it is further ordered that the Clerk issue to the said ... a certificate of his admission.

By the Court

Attorney of said Court.

U. S. Supreme Court ... A.D. 1885. ... Day of June.

...

...

...

And now on this day [illegible] petition [illegible] and that the said appeal and the bond to operate as a supersedeas be filed by the Chief Justice of this Court.

And now on this day February 25. 1895. came Respondents by their counsel and moved the Court to dismiss the appeal to the Supreme Court of the United States from the judgment of this court which appears to have been rendered, if at all, on the 2nd day of October 1894. and the proceedings in this cause, and it appearing to the Court that the appeal was not taken within the time required by the statute of the United States, and that the Court is without jurisdiction of the appeal, it is ordered that the appeal be dismissed.

By the Court:
Chief Justice.

Joseph L. Hoit et al
vs
Joseph L. Coates
Respondent

And now on this day the Opinion of the Court having been delivered in writing, it is ordered that the same be filed, and ordered of record on the rules of this Court.

Moses A. Veatch et al
vs
Leonard L. Johnson

And now on this day the Opinion of the Court having been delivered in writing, it is ordered that the same be filed, and ordered of record on the rules of this Court.

Stark

In the Supreme Court, [illegible] A.D. 18[illegible] Day of Term.

The United States of America.
Territory of Dakota.
First Judicial District.

In the Supreme Court.

The Territory of Dakota
Plaintiff in Error
vs
Patrick R Smith
Defendant in Error.

February Term 1885.

The writ of error coming on to be heard at this February A.D. 1885 Term of this Court. Present, the Hon. Edgerton C.J. Bennett, Associate Justice and the Hon. Hankins, Associate Justice of the Supreme Court. And by John Bland Esq. the attorney for the Plaintiff in error and by Hon. C. Hughes Atty Gen'l of Dakota for the defendant in error. And the Court having heretofore duly considered the questions that are involved in the record herein from the said Fifth Judicial District Court in this cause. It is therefore this 20th day of February One thousand Eight Hundred and Eighty four ordered that the said proceedings and the record herein being by the Court fully known now here considered, and adjudged that the judgment of the said District Court within and for the County Fifth Judicial District of Dakota Territory in said cause for the Territory of Dakota against Patrick R. Smith be, and the same is hereby affirmed.

And it is further ordered that the cause with the record herein be remanded to the Fifth Judicial District C. C. And that the said judgment be executed according to law, and that the said District Court proceed therein in all respects as by law required.

By the Court
(Signed) Edgerton
Chief Justice, and
Supreme Court Dak.

(Engrossed Dreams)

U. S. Supreme Court. [illegible] Term, A.D. 1885. [illegible] Day of [illegible].

The United States of America
Territory of Dakota.
Appeal from the District Court
Brookings County.
} In the Supreme Court.

Chas. Blackwood Jr.
Plaintiff, Respondent
vs.
The Chicago Dakota Minn. R.R.
Company.
Defendant, Appellant.
} February Term 1886.

This action coming on to be heard at the February Term A.D. 1885 Term of said Supreme Court at the Supreme Court Room, in the City of Bismarck D.T.

The United States of America
Territory of Dakota.
Appeal from the District Court
Brookings County.
} In the Supreme Court.

Chas. Blackwood Jr.
Plaintiff, Respondent
vs.
The Chicago Dakota Minn. R.R.
Company.
Defendant, Appellant.
} February Term 1886.

This action coming on to be heard at the February Term A.D. 1885 Term of said Supreme Court at the Supreme Court Room in the City of Bismarck D.T.

Present A.G. Edgerton Chief Justice, and S.A. Hudson, Wm. E. Church and C.S. Palmer Associate Justices; and the appeal being herein having been argued by William J. Love Esq. for the appellant and by J.C.B. Scobey Esq. for the Respondent, and the Court having advised thereon, it is now here considered, ordered and adjudged, that the judgment of the said District Court within and for said Brookings County appealed from herein be and the same is hereby affirmed in all things.

And it is further ordered, that [illegible] and it is hereby [illegible] to the District Court [illegible] proceedings according to [illegible] and Court.

And it is further considered and adjudged that the Respondent recover and have of the appellant his costs and disbursements herein [illegible] amounting to [illegible] dollars and [illegible] cents.

Edgerton C.J.

Supreme Court, ... A.D. 1885. ... Day of Term.

...

...

} In the Supreme Court.

...

...

...

U. S. Supreme Court

[illegible] 1891. [illegible] Term.

The United States of America
Territory of Dakota ss.
At a special term of said Court of
Pembina County.

The Territory of Dakota on the
relation of Curtis N. Parsons
Plaintiff & Appellant
vs
Henry A. Comstock Treasurer of
Cavalier County Dakota Territory
Defendant & Respondent

[illegible]

[illegible]

[illegible]

[illegible]

Error from Hancock

The United States of America
Secretary of State
Plaintiffs Action Ethan Brooks
Wrongful Seizure

vs.

The Secretary of State and
Deputies of Lewis Watson
Sheriff of Hancock
&
Ethan Brooks as Register of Deeds
and Ex officio County Clerk of
Hancock County Defendant

For the Plaintiffs Error

This action commenced in the District Court of Hancock County by the Plaintiffs Petition of which a true and correct Transcript is hereto annexed and made a part hereof, in which Petition, and the Exhibits thereto annexed, it is alleged that on the 15th day of March 1865 the Plaintiffs were duly appointed Deputies of the Secretary of State of the United States, and duly qualified as such Deputies, and entered upon the discharge of the duties of their said offices, and that they were then and there in the lawful possession of the Books, Papers, Records and Documents appertaining to their said offices, and that the Defendants unlawfully and forcibly entered into the Plaintiffs said offices, and took and carried away from the possession of the Plaintiffs the Books, Papers, Records and Documents appertaining to their said offices, and still unlawfully withhold the same from the Plaintiffs, and refuse to deliver the same to the Plaintiffs, and praying that a Writ of Mandamus may issue commanding the Defendants forthwith to deliver to the Plaintiffs the Books, Papers, Records and Documents appertaining to their said offices, and that the Plaintiffs may recover their damages sustained by reason of the premises, and for costs of suit.

And the Defendants appeared and filed their Answer to the Petition of the Plaintiffs, in which Answer they admit that they entered into the Plaintiffs said offices, and took and carried away from the possession of the Plaintiffs the Books, Papers, Records and Documents appertaining to their said offices, and still withhold the same from the Plaintiffs, and refuse to deliver the same to the Plaintiffs, but they deny that the Plaintiffs were duly appointed Deputies of the Secretary of State of the United States, and duly qualified as such Deputies, and entered upon the discharge of the duties of their said offices, and were in the lawful possession of the Books, Papers, Records and Documents appertaining to their said offices, and that the Defendants unlawfully and forcibly entered into the Plaintiffs said offices, and took and carried away from the possession of the Plaintiffs the Books, Papers, Records and Documents appertaining to their said offices, and still withhold the same from the Plaintiffs, and refuse to deliver the same to the Plaintiffs, but they allege that the Plaintiffs were not duly appointed Deputies of the Secretary of State of the United States, and duly qualified as such Deputies, and entered upon the discharge of the duties of their said offices, and were not in the lawful possession of the Books, Papers, Records and Documents appertaining to their said offices, and that the Defendants did not unlawfully and forcibly enter into the Plaintiffs said offices, and take and carry away from the possession of the Plaintiffs the Books, Papers, Records and Documents appertaining to their said offices, and still withhold the same from the Plaintiffs, and refuse to deliver the same to the Plaintiffs, but they allege that

[illegible]

U. S. Supreme Court. February Term, 1[illegible]. [illegible] Day of Term.

Friday February [illegible]

U. United States ...

Friday ... Taylor

Appeal from the United States

Plaintiff

vs.

[illegible]

Defendant

Now in the city of Denver, U.S.A.

Present: [illegible] Justice [illegible]

[illegible] Marshall [illegible] Clerk [illegible]

[illegible] and the appearances [illegible] for the respondent [illegible] and the [illegible] for the appellant [illegible] and the

U. S. Supreme Court. February Term A.D. 1885 Term. 12th Day of Term. 57

Friday February 20th 1885.

Bismarck D.T.
February 20th 1885

To the Hons Lisle Fuller and Associate Justices of the Supreme Court of Dakota Territory.

I hereby appoint Barnes H Haight Esq as my deputy Clerk of said Supreme Court, with full power and authority to perform all the duties of Clerk of said Court during my absence from the City of Bismarck D.T. and respectfully pray that the Court approve said appointment

Very Respectfully
(S.) B. S. Williams
Clerk

I hereby appoint [illegible]

Bismarck D.T. Feb 20th 1885

To the Hons Lisle Fuller and Associate Justices of the Supreme Court of Dakota Territory.

I hereby most respectfully tender my resignation as the clerk of said Court, my resignation to take effect April 2d A.D. 1885.

I have the honor to be
Most respectfully
Your Obt. Servt.
(S.) B. S. Williams
Clerk.

And now, February 20th 1885. This Court is adjourned & meet at Bismarck on the 21st day of March A.D. 1885. at 10 o-clock in the forenoon of said day.

Attest B. S. Williams
Clerk

[illegible] Day of Jan.

[illegible] March 21, 1885

Thursday January 22nd 1885 pursuant to adjournment the Court met at the Court House in the City of Bismarck with Hon. Alex. C. Wallin Judge presiding and Thos. E. McElroy Clerk of Courts. Thos. Conway Deputy U. S. Marshal Sheriff.

The United States
vs
James E Rolvaag

The opinion of the court by Wallin Judge was handed down by the court and duly filed with the clerk.

The United States
vs
William F. Slavis

The opinion of the court by Wallin Judge was handed down by the court and duly filed with the clerk

Elijah A Hoag
vs
Margaret Dinnison

The dissenting opinion of Thos. Jones, was handed down by the court and duly filed with the clerk.

Henry M. Budick
vs
Jens E Rygg

The dissenting opinion of Thos. Jones, was handed down by the court and duly filed with the clerk.

I have brig ns further business court adjourned to convene at the Court House in Bismarck, the Seat of Government on the twentieth day of April A.D. 1885 at thirty minutes past eight in the forenoon.

A True Record
Attest
B. S. Williams
Clerk
by
James A Wright
Deputy

824 Territory of Dakota
D. D. Supreme Court, February Term A.D. 1885. Sixth Day of Term.
Thursday April 20th 1885

Court convened pursuant to adjournment at the Court House in Bismarck the Seat of Government of the Territory of Dakota on this twentieth day of April A.D. 1885 at thirty minutes past eight o'clock in the forenoon.

Present

The Hon. William H. Francis Associate Justice Presiding and

James A. Haight Deputy Clerk

In the matter of the Bond of James A. Haight appointed clerk of this Court

James A. Haight appointed clerk of this Court presented for approval his bond executed in Duplicate. The Court having duly examined and considered the same thereupon ordered that said bond be and the same is hereby approved.

The Court then administered to said James A. Haight his oath of office as clerk of this Court said oath having been duly indorsed on his bond

The Court thereupon ordered that said bond and oath be entered upon the records of this court and filed with the Secretary of this Territory and at such other place as this Court shall hereafter designate.

Said bond and oath so presented, approved, subscribed and sworn to and ordered to be recorded are as follows:

Know all men by these presents: That we James A. Haight of Bismarck in the County of Burleigh and Territory of Dakota as principal and Frank V. Barnes and Clarence B. Little of said Bismarck as sureties are held and firmly bound unto the United States of America and the Territory of Dakota in the sum of ten thousand dollars lawful money of the United States of America, to be paid to said United States of America and Territory of Dakota: For which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Sealed with our seals and Dated the eighteenth day of

U. S. Supreme Court, February Term A.D. 1885 Sixth Day of Term.

Monday April 20th 1885.

April, one thousand eight hundred and eighty five.

The condition of the above obligation is such that if the above bounden James A. Haight shall faithfully discharge the duties of the office of Clerk of the Supreme Court of the Territory of Dakota and seasonably record the decrees Judgments and determinations of said Court according to the provisions of section number 795 of the Revised Statutes of the United States

And shall faithfully and impartially discharge the duties of said office of Clerk of the Supreme Courts of the Territory of Dakota and render a true account of all moneys credit accounts and property of any kind that come into his hands as such officer and pay over the same according to law, then the above obligation to be void, else to remain in full force and virtue.

Sealed and delivered
in Presence of.
John F. Philbrick

James A Haight (Seal)
Frank V. Barnes (Seal)
Clarence B. Little (Seal)

Territory of Dakota }ss
County of Burleigh }

James A Haight and Frank V. Barnes and Clarence B. Little came personally before me on this eighteenth day of April A.D. 1885 to me well known to be the same persons who executed the foregoing bond and each acknowledged the same to be his own free act and deed.

(Seal)

John F. Philbrick
Notary Public Dak.

Territory of Dakota }ss
County of Burleigh }

Frank V. Barnes one Clarence B. Little being first duly sworn each for himself that he is the same person as the surety above named and is a resident and freeholder of

the County of Burleigh and Territory of Dakota, and worth the sum of ten thousand dollars, above his liabilities, and exclusive of his property exempt from execution.

Frank U. Barnes (Seal)
Clarence B. Little (Seal)

Subscribed and sworn to before me this 18th day of April A.D. 1885
[Seal] John F. Philbrick
Notary Public D.T.

United States of America }
Territory of Dakota } ss
In Supreme Court

I James A. Haight of Bismarck in the County of Burleigh and Territory of Dakota being appointed clerk of the Supreme Court of said Territory do solemnly swear that I will support the Constitution of the United States and the act organizing this Territory, that I will truly and faithfully enter and record all the orders decrees judgments and proceedings of said court and that I will faithfully and impartially discharge and perform all the duties of my said office of clerk of the Supreme Court of the Territory of Dakota according to the best of my knowledge abilities and understanding. So help me God.

James A. Haight

Subscribed and sworn to before me this 20th day of April A.D. 1885 in open court at Bismarck, Dakota
William N. Francis
Associate Justice
Supreme Court Dakota Territory

The within and foregoing bond is hereby approved this April 20th A.D.
William N. Francis
Associate Justice Supreme Court Dakota Territory

There being no further business the court adjourned sine die.

A Love Record
Attest
James H. Huiger
Clerk.

U. S. Supreme Court. A. D. 18 . Day of Term.

U. S. Supreme Court. [illegible] Day of Term.